

Karl H. Peschke

Christian Ethics

**Moral Theology
in the Light of Vatican II**

**Volume I
General Moral Theology**

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CHRISTIAN ETHICS

MORAL DOCTRINE

CHRISTIAN ETHICS

Moral Theology
in the Light of Vatican II

Volume I : General Moral Theology
Revised edition.

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CHRISTIAN ETHICS

MORAL THEOLOGY
in the Light of Vatican II

Volume I : General Moral Theology

Revised edition.

by

Karl H. Peschke, S.V.D.

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CONTENTS

Abbreviations	xi
Preface	1
Introduction	3

PART I

BIBLICAL FOUNDATIONS OF CHRISTIAN ETHICS

<i>Chapter I:</i> THE MORAL TEACHING OF THE OLD TESTAMENT	13
A. The covenant with God as the foundation of OT morality	14
1. The dialogue character of the covenant	14
2. The providential role of Israel's covenant	17
3. Israel's basic response to the God of the covenant	19
B. A sense of community as determining factor in Israel's relation to fellow-men	21
C. Distinctive character and limitations of OT ethics	23
 <i>Chapter II:</i> THE MORAL TEACHING OF THE NEW TESTAMENT	 29
A. The moral teaching of Jesus according to the synoptics	30
1. The proclamation of the kingdom as foundation of the moral demand	30
2. Style and literary character of Jesus' teaching	32
3. Concentration of the moral demand in the commandment of love	35
4. Jesus' attitude to the Jewish law	37
B. The moral teaching of the early Church	39
1. The new life in Christ as foundation of the moral demand	39
2. Form and main content of early Christian ethics	41
3. Love in the fellowship of Christ as the supreme norm	44
4. The controversy on the further validity of the law	46

<i>Chapter III:</i>	PRINCIPAL MOTIVES OF NEW TESTAMENT ETHICS	50
A.	Motive of reward and punishment	50
1.	The textual evidence	50
2.	Ancient Jewish and Christ's teaching on reward	53
B.	Eschatological motive of sharing in God's kingdom	54
1.	Motive of the kingdom in Christ's teaching	55
2.	Motive of the parousia hope in the apostolic teaching	56
3.	Implications for Christian morality	57
C.	Imitation of Christ	58
D.	Divine sonship and Christian community spirit	61
1.	Motive of divine sonship	61
2.	Christian community spirit	62

PART II

GENERAL MORAL THEOLOGY

<i>Chapter I:</i>	THE NATURE OF MORALITY AND ITS ULTIMATE END	65
A.	Responsive character of Christian morality	66
B.	The ultimate purpose of the moral demand	73
I.	Temporal happiness and welfare as ultimate purpose: eudaemonism, utilitarianism	75
II.	Ethics of self-perfection and temporal progress	79
III.	Morality for its own sake	82
1.	Kantian ethics	82
2.	Ethics of values	85
IV.	God's glory and kingdom as the ultimate purpose: theonomous ethics	87
C.	The categorical character of the moral demand	99
D.	Fundamental role of docility to the guidance of the Holy Spirit	102
<i>Chapter II:</i>	THE MORAL LAW	108
A.	Notion of moral law	109
I.	Concept of moral law	109

II.	Division of moral law	110
B.	Law of God in Holy Scripture	112
I.	Law of the Old Testament	112
II.	Moral law in the New Testament	117
III.	Distinctiveness of Christian ethics	124
IV.	Moral autonomy and theonomous ethics	130
C.	Natural moral law	133
I.	Concept of natural law	135
1.	The traditional concept	135
2.	The theological controversy on natural law	138
3.	Revised concept of natural law	142
II.	Properties of natural law	143
1.	Universality of natural law	143
2.	Immutability and dynamics of natural law	147
3.	Indispensability of natural law	148
III.	Existence and ultimate basis of natural law	151
1.	Natural law as reflection of God's eternal decrees	151
2.	Natural law as based on the order of being	154
a)	General implication of the axiom "action follows being"	154
b)	Application of the axiom to man's activity	154
c)	Hume's critique and answer to it	156
3.	Deontological and teleological foundation of moral norms	159
IV.	Law and situation	167
1.	Challenge by existentialism and situation ethics	168
2.	Critique of the new morality	170
3.	Justified concerns of the new morality	174
D.	Human law	176
I.	Notion and necessity of human law	176
1.	Concept and properties of human law	176
2.	Attitude of the New Testament to human law	179
3.	Necessity of human law according to reason	181
II.	Object and substantive justice of the law	182
III.	Moral obligation of the law	186
IV.	Legislator and subject	190
V.	Procedural justice and observance of the law	192
1.	Procedural justice	192
2.	Observance of the law	195
3.	Epikeia	197
VI.	Cessation of obligation and of the law itself	200

Chapter III: CONSCIENCE 203

A. Notion and origin of conscience	203
I. Concept of conscience	203
1. Conscience as moral faculty	203
2. Conscience as practical moral judgement	207
3. Division of conscience	208
II. Holy Scripture on the nature of conscience	209
III. Origin and development of conscience	212
1. Argument about the origin of conscience	213
2. Development and formation of conscience	216
B. The binding force of conscience	220
I. The certain conscience	220
II. The vincibly erroneous and lax conscience	222
III. The perplexed conscience	224
IV. The scrupulous conscience	225
V. The doubtful conscience	230
C. Formation of a certain conscience by means of reflex principles and preference rules	231
I. Nature and varieties of reflex principles	231
II. The controversy on the use of probability; the "moral systems"	234
1. Probabiliorism	235
2. Aequiprobabilism	235
3. Probabilism	236
III. Preference rules	239
D. Freedom and commitment of conscience	241
1. The right to freedom of conscience	241
2. The duty to form one's conscience	243
3. Conscience in confrontation with authority	245

Chapter IV: REALIZATION OF THE MORAL VALUE IN HUMAN ACTS 247

A. Concept and nature of human acts	247
I. Concept of human acts	247
II. Constituent principles of human acts	248
1. The intellectual constituent	248
2. The volitive constituent	248
III. Divisions of the voluntary act and effect	249

B.	Obstacles impairing human acts and voluntariness of their effects	251
I.	Impairments of required knowledge	252
1.	Ignorance	252
2.	Error	254
3.	Inattention	255
II.	Impairments of free consent	255
1.	Passion or concupiscence	255
2.	Fear and social pressure	257
3.	Violence	260
4.	Dispositions and habits	261
C.	Sources defining the morality of human acts	263
I.	The object	263
II.	The circumstances	265
III.	The end intended by the agent	267
IV.	Moral significance of the external act	270
D.	Imputability of indirectly willed effects	271
I.	Imputability of indirectly willed effects in general	272
II.	The principle of the double effect	273
III.	Problems and controversies	275
E.	Basic intention and fundamental option	281
	<i>EVIL (lack goodness)</i>	
Chapter V:	THE MORALLY BAD ACTION: SIN <i>E</i>	286
A.	Nature of sin	287
I.	Biblical delineation of sin	288
II.	Theological reflection on the nature of sin	291
1.	Sin as rejection of God	291
2.	The social dimension of sin	293
3.	The personal dimension of sin	294
III.	Mortal, grave and venial sin	295
1.	Different gradations of sins	295
2.	Mortal and venial sin defined	297
3.	Criteria for the objective gravity of sins	301
B.	Distinction of sins	303
I.	Different kinds of internal sins	303
II.	Sins of omission and commission	305
III.	The capital sins	306
C.	Sources of sin	306
I.	Impact of a sinfully distorted world	307
1.	Solidarity in evil according to Holy Scripture	307

2. Man's situation in a sinfully distorted world	308
II. Temptation	310
D. Responsibility for sins of others and sinful cooperation	314
I. Seduction	314
II. Scandal	315
1. Concept and sinfulness	315
2. Active and passive scandal	316
3. Rules for the permission of scandal	319
III. Cooperation in the sins of others	320
1. Kinds of cooperation	321
2. Norms for material cooperation	322
3. Advising the lesser sin	324

Chapter VI: CONVERSION, VIRTUE AND PERFECTION IN HOLINESS 325

A. Conversion	325
I. Man's need for conversion	325
1. The call to conversion in Holy Scripture	325
2. Universality of conversion and its continuous need	327
II. Nature of conversion	329
1. Repentance of past evil deeds	329
2. Return to God's salvific will	331
III. Conditions of conversion	332
1. Humble admission of sin and guilt	332
2. Readiness to the efforts of moral renewal	333
3. Openness for the gift of grace	333
IV. Fruits of conversion	334
V. Sacramental enactment and realization of conversion	336
B. Virtue	338
I. Nature of virtue	339
II. Systems of virtues	340
1. Primacy of charity	340
2. Diversity of virtues	342
III. Fundamental requirements for virtue	343
1. Moral knowledge and prudence	343
2. Love of moral value	345
3. Dominion over passions	346
C. The universal call to perfection and holiness	347
I. Defective ideals	348
II. The call to perfection in Holy Scripture	350

III. Essence and universality of the call to perfection	354
1. Nature of perfection	354
2. Universality of the call to perfection	356
3. Manifold realization of the one, common call to holiness	358
IV. Pathways of holiness	359
Bibliography	363
Index	373

ABBREVIATIONS

Holy Scripture

For the books of the Bible, the abbreviations of the Revised Standard Version are used. Scriptural texts are quoted from the same version.

Documents of Vatican II

- AA = Apostolicam Actuositatem: Decree on the Apostolate of the Laity.
- AG = Ad Gentes: Decree on the Church's Missionary Activity.
- CD = Christus Dominus: Decree on the Bishops' Pastoral Office in the Church.
- DH = Dignitatis Humanae: Declaration on Religious Freedom.
- DV = Dei Verbum: Dogmatic Constitution on Divine Revelation.
- GE = Gravissimum Educationis: Declaration on Christian Education.
- GS = Gaudium et Spes: Pastoral Constitution on the Church in the Modern World.
- IM = Inter Mirifica: Decree on the Instruments of Social Communication.
- LG = Lumen Gentium: Dogmatic Constitution on the Church.
- NA = Nostra Aetate: Declaration on the Relationship of the Church to Non-Christian Religions.
- OE = Orientalium Ecclesiarum: Decree on Eastern Catholic Churches.
- OT = Optatum Totius: Decree on Priestly Formation.
- PC = Perfectae Caritatis: Decree on the Appropriate Renewal of the Religious Life.
- PO = Presbyterorum Ordinis: Decree on the Ministry and Life of Priests.
- SC = Sacrosanctum Concilium: Constitution on the Sacred Liturgy.
- UR = Unitatis Redintegratio: Decree on Ecumenism.

Other abbreviations

- CIC = Codex Iuris Canonici of 1983.
- DS = Denziger-Schönmetzer. *Enchiridion Symbolorum*, 1967, 34th edition.

PREFACE

When this volume of "Christian Ethics" first appeared, in 1975, the Second Vatican Council had brought about many changes. It had sparked a process of scrutiny and re-examination of the entire field of moral theology, as of theology in general, which resulted in many debates and new approaches. The former manuals of moral theology, especially the Latin ones, all of a sudden did not satisfy any more. Nevertheless the need for a handbook continued to exist. Priests and lay-people, especially those involved in religious education, were looking for an overall orientation in moral theology on the basis of the teachings of Vatican II and in view of the recent developments in theology. Seminaries as well often feel the need of an up-to-date textbook, be it as a complementary text of reference or be it as a handbook for the classes. Not all professors have sufficient time to prepare a full set of notes themselves, especially in regions with a dearth of priests and in mission countries.

Even though at the time of the first printing of this book the author was not able to consult all the pertinent literature and was not in a condition to give all the answers to the new problems, this volume, as well as three years later the second volume on special moral theology, met with a favourable reception.

The friendly welcome of the books encouraged the author to continue with his work and to prepare a revised edition of volume I, integrating the literature which was not yet considered in the first edition and which in the meantime had appeared. He hopes that he has been able to meet the needs and expectations of the clergy and Christian laity to whom this book is addressed, and that he will not disappoint any of his former friends. As for volume II, it has been adapted to the new code of canon law of 1983.

In formulating the text, the author was aware of the objection of women in the English speaking world against the predominance of masculine pronouns in the use of the language, but found it difficult to provide a satisfactory solution. The use of two pronouns at the same time, such as "he or she" and "his or her", is a rather clumsy and dull solution. It is instructive to note that the problem mainly exists in the English language. In other European languages, such as French, German, Italian, Spanish, Portuguese, etc., only the noun "man" is of masculine gender, while "person", as the other noun commonly used for human beings in general, is

feminine. This agrees with the Latin root “persona”, which is also feminine. In these languages therefore masculine and feminine pronouns alternate in a more equitable way. Perhaps some English writers might venture to pioneer a return to the original, female gender of the noun “person”. Yet it was not for this author to take such an initiative.

The author also wishes to thank the faculty of the Divine Word Seminary in Tagaytay City, Philippines, where this text of moral theology was written first and then revised, for the understanding it has shown him in the accomplishment of this work. He also wishes to thank his confreres Frs. Thomas Cassidy, Steve Ernest, Stanley Plutz and Dermot Walsh for their patient readiness to read and check his writings.

INTRODUCTION

Christian ethics or moral theology is that part of theology which studies in the light of Christian faith and of reason the guidelines man must follow to attain his final goal. Dogmatic and moral theology together make up systematic theology, which treats in logical sequence the truths about God, his creation, the salvific work of Christ and the creatures' way to God. Dogmatic theology is speculative in character, reflecting on the nature of God, of his creatures, and of the new creation in Christ. Moral theology on the other hand is more of a practical science. Availing itself of the theological and anthropological insights of dogmatic theology,¹⁾ yet taking also into account the findings of the various anthropological and natural sciences, it draws the consequences for human action and gives guidance to man in the realization of his final goal.

A presentation of *Christian* ethics implies that the ideals and norms presented are inspired by the sacred books of the Old and New Testament and related to what Christians believe about the world, God and each other. Above all it implies a permanent inspiration by the ideas, values and concerns of Jesus Christ. The disciple's faith in God and commitment to him has its roots in Jesus' faith in God and obedience to him.²⁾

Closely related to moral theology is *philosophical ethics* or moral philosophy. It also endeavours to establish guiding principles and rules for a person's moral life. But in contradistinction to moral theology, the latter excludes the positive revelation of the Old and New Testament as source of its moral knowledge and guidance. Moral philosophy draws its insights only from reason and from that general revelation which is granted to every person

¹⁾ At times the demand is made that moral theology start out with a *theological anthropology* (e.g. Domenico Capone, "Per un manuale di teologia morale", *Seminarium* 16, 1976, 482). However since dogmatic theology already includes a rather detailed Christian anthropology, this does not seem necessary. It overly encumbers the subject matter of moral theology and tends to become a fatiguing duplication. Nevertheless, important elements of a theological anthropology are always inevitably contained in various parts of general moral theology, e.g. in the discussions about the destiny of man, the ontological presuppositions of natural law and the nature of perfection.

²⁾ Cf. Marcel Legaut, *Meine Erfahrung mit dem Glauben* (Freiburg: Herder, 10th printing 1979), 106.

by the universal presence of the divine Spirit. To find another distinction in the fact that moral theology would deal with the supernatural final goal of man and moral philosophy with a merely natural goal does not seem justified. In the concrete order of salvation there exists only one final goal common to all mankind which derives from the royalty of Christ over our present world. This is the unequivocal teaching of Vatican II. The council makes it a point to express repeatedly and forcefully its conviction that "the ultimate vocation of man is in fact one" (GS 22) and that "all men are called to one and the same goal, namely, God Himself" (GS 24; cf. 29; NA 1). Of course the insight into man's final end will be of different character in moral philosophy and in moral theology. Since the latter is not only aided by reason and general revelation but also by the positive revelation of God in Scriptures and in Christ, it is to be expected that its insights into the final goal acquire a new dimension and are more complete.¹⁾

Moral theology is not without *presuppositions*. Every ethics, whether theological or philosophical, depends on two postulates in order to be possible, namely, freedom of will and accountability to an ultimate value.²⁾ This does not mean that man has no experience of these realities. Quite the contrary, man's experience gives strong evidence for their existence. But this is an empirical awareness and not a rational proof.

Ethics must presuppose that man possesses freedom of will. If human activities were entirely predetermined by physical and psychological causalities, moral appeals to personal responsibility would be out of place. Man's actions could only be influenced by

1) The elimination of the former dichotomy between theological and philosophical ethics and the essential convergence of the two is ■ most important advance in moral theology, greatly to be welcomed. Yet at the same time this newly acquired unity is threatened again by adverse trends from other sides. Armed with data gathered by cultural anthropology, theories of *ethical pluralism* are advanced. Yet neither from a theological or philosophical point of view nor in view of a convergent world in need of common standards can this be considered a progress. This is not to deny that legitimate differences in the preference and emphasis of certain moral values can and do exist. But if the ultimate calling and goal of mankind is indeed one and divine, then the ethical norms which give guidance to this goal must ultimately also converge and be substantially the same for all mankind. The practically universal agreement of the nations of today on the rights of man proves that such a convergence already exists in important regards. (Cf. Gerard J. Hughes, *Authority in Morals. An essay in Christian ethics*. London: Heythrop Monographs, 1978, 110-116; and Enrico Chiavacci, *Teologia morale* 2. Assisi: Cittadella Editrice, 1980, 221-226).

2) Cf. Franz Furger, *Anspruch Christi und Handeln des Menschen* (Freiburg, Scheiz: Imba Verlag, 1972), 39.

the pressure of physical or psychological force. But this is not the way men experience themselves. Men experience themselves not merely as instruments in the hands of higher forces, but as creative agents, able to choose among alternatives and capable of self-determination. This is the constant and universal conviction of men in their dealings with each other.

The other presupposition is that man is accountable to an ultimate value or authority, which can claim his unconditional obedience. This ultimate accountability is what gives the moral demand its categorical character. Only on this condition is it possible to speak of moral duties in the strict sense, which bind a person in conscience and which he or she cannot refuse to obey without becoming guilty. From the commitment to this supreme value human life at the same time also receives its ultimate meaning. It is not necessary that this supreme value or authority be thought of in terms of the Christian notion of God. It may be conceived in quite different images and in even only implicit forms. But it will always be a reality vested with absolute and therefore divine character.

Nevertheless Christian ethics presupposes that this authority is a personal God, one in nature, the creator of all that exists and a loving father of his creatures, particularly of men. The correct concept of God necessarily implies that the world as his creation is vested with a purpose and meaning. It equally implies that man as part of this creation has to respect this purpose and that this is his unconditional, categorical duty. In other words, the existence of God and man's accountability to an ultimate value are not two separate presuppositions. Rather the one is derived from the other; the categorical character of the moral demand is derived from the affirmation of the existence of God.

The fact that Christian ethics presupposes the existence of a personal God does not mean however that no proof for God's existence is possible. In fact Christian theologians, at least a great majority of them, are convinced that such a proof is possible (as long as the mystery of the Trinity is not involved). It only means that moral theology does not give this proof. This raises the question whether the arguments of moral theology can also be valid and convincing for those who do not share its concept of God, e.g. for an atheist. It must be admitted that moral demands which have their *exclusive* reason in the Christian understanding of God will not hold for those who do not accept this concept. However apart from the duties of worship, practically all other moral demands are at the same time also supported by more general insights of anthropological and social nature. Nevertheless the unbeliever or

atheist will earnestly have to ask himself whether his experience of an ultimate authority in the categorical imperative should not after all be interpreted in the Christian sense of a personal God.¹⁾

Finally, to the extent that moral theology uses Holy Scripture, Christian tradition and the teaching of the Church's magisterium as sources of its moral discourse, it also presupposes a number of related truths as established by dogmatic theology. Such truths are, e.g., the divine mission of Christ, the inspiration of Holy Scripture and the Church's role as custodian of the gospel. However these dogmatic truths are in no way presuppositions for the rational arguments based on considerations of natural law or of philosophical nature.

In its *method*, moral theology has always adhered to a methodological pluralism. Contemporary scholars likewise conclude that a methodological monism, i.e. the use of one method only, is insufficient, and rather opt for a plurality of argumentations converging in one evidence. The actual procedure in contemporary theological investigation confirms that this is indeed the

1) The problem of the presuppositions of moral theology must be distinguished from the problem of *metaethics*. Metaethics together with normative ethics are two parts of the science of ethics. One calls the body of ethical statements and the actual normative argument normative ethics. Metaethics on the other hand is the discussion of the meanings or uses of moral terms and utterances about the nature of moral concepts. Metaethics "asks and tries to answer logical, epistemological, or semantical questions like the following: What is the meaning or use of the expressions '(morally) right' or 'good'? How can ethical and value judgements be established or justified? Can they be justified at all? What is the nature of morality? What is the distinction between the moral and the nonmoral?" What is the meaning of related concepts like conscience, intention, responsibility, voluntary, etc.? (William K. Frankena, *Ethics*. Englewood Cliffs, N.J.: Prentice-Hall, 1973, 2nd edition, 5 and 96). In other words, metaethics is ethics without its normative body. This reduction seemed desirable to certain philosophers because no consensus could ever be reached concerning the normative parts of ethics. Many other philosophers however disagree and consider this reduction a regression. Enrico Chiavacci, in *Teologia Morale* 2 (Assisi: Cittadella 1980), calls attention to this philosophical discussion and critically observes that it "is not at all common — if not to say totally unknown — in the moral theology we have inherited" (201). But he also concedes that the metaethical discourse is "up to date still open and without generally agreed upon solutions" (200).

Strictly speaking, metaethics is a rather misleading term. It suggests a subject matter which goes beyond the scope of ethics and lies ahead of it. But this is not the case. The subject matter is eminently within the scope of ethics. To a large extent it is the subject matter of general moral theology, which, more recently, is often also called fundamental moral theology. Especially the latter term seems to be much more suited to indicate what is really meant. Metaethics has also been referred to as analytical ethics, critical ethics, the epistemology of ethics or simply ethics.

way in which the research proceeds and solutions are sought.¹⁾

The methods employed are partly of a positive nature, as used in the biblical and historical sciences, and partly of a speculative nature, as used by philosophy and speculative theology. Positive theology employs literary and historical criticism as its instruments. Hermeneutics has here its proper place, i.e. the methods to be followed for a correct interpretation of biblical texts and historical documents and of the moral statements they contain.

In detail, research in moral theology avails itself of the following four forms of argumentation. First of all, the moral teachings of the biblical writings are consulted; they have always been granted a prominent place in theological argumentation. Secondly, the historical development of a doctrine or moral norm is examined, with particular emphasis of course on its history within Christianity, though its non-Christian history is by no means ignored. Thirdly, the official teaching of the ecclesiastical magisterium and the concrete praxis adhered to by the Church is studied (which can be considered a particular instance of the historical development of a doctrine). Special authority in this regard is given to the teachings of the councils and popes. Also the recently created national bishops' conferences possess a doctrinal authority of particular weight, though not equal to that of the popes or councils. The present teaching of moral theologians, their agreements and disagreements likewise merit special attention. It is not the individual alone but the Church community as a whole which, in continuing responsiveness both to biblical tradition and contemporary situations, unfolds ever more the faith entrusted to her. "The Christian has no enduring identity *as Christian* apart from the church..... The church and no other community has the task of shaping moral identity through the use of the Christian scriptures."²⁾

Fourthly, a most decisive weight is accorded to the speculative arguments of reason. They are formulated on a double basis, which can briefly be characterized as the ontological and eschatological points of departure. The ontological point of departure consists in the study of man's concrete, existing nature and of the world around him. These are inquired into in the light of philosophical and theological analysis. Yet of great importance are likewise the insights of the anthropological and natural sciences, such as

¹⁾ Cf. Franz Furger "Zur Begründung eines christlichen Ethos - Forschungstendenzen in der katholischen Moralthologie", in *Theologische Berichte* 4, ed. by Joseph Pfamatter (Zürich: Benziger, 1974), 74.

²⁾ Bruce C. Birch and Larry L. Rasmussen, *Bible and ethics in the christian life* (Minneapolis, Min.: Augsburg Publ. House, 1976), 132.

psychology, sociology, economics, medicine, ecology, etc. Above all they give information about the consequences which man's actions have for him, for others, society and the world at large. Consequences do play an important role in the moral evaluation of an action, though not an absolutely exclusive one. This point of departure is quite commonly associated with natural law doctrine. The knowledge of what man is, what his possibilities are and the limits he cannot transcend, is indispensable for a realistic moral discourse. However in order to decide what man should choose among the many possibilities open to him, the ontological point of departure alone is not sufficient. It must be complemented by the teleological and eschatological point of departure, which informs man about the goal to be achieved, the kind of person he should be and the work he is to do.¹⁾ The two chapters on the nature of morality and the moral law, especially the natural moral law, will shed more light on these questions.

It is to be noted that all four types of argumentation are not always used for the verification of a moral doctrine. Many modern problems find no mention in Holy Scripture or in the theological writings of the past. At other times a doctrine enjoys such universal acceptance that a detailed study of its past history is not necessary. On the other hand, controversial doctrines call for a careful study of all the available arguments. The speculative arguments in particular are hardly ever to be dispensed with.

Moral theology is divided into general and special. General moral theology treats of the general conditions and qualities with which every action must be endowed in order that it may contribute to man's final goal. It deals with the ultimate end of man; with the divine, natural and human law as the objective norms of morality; with conscience as the subjective norm; with the realization of the moral value in human acts; with sins as morally bad actions; with conversion, virtues, and man's perfection in holiness. — Special moral theology treats of the human behaviour in the different spheres and situations of human life. It is subdivided in two main parts. Part one deals with man's responsibility in the religious

¹⁾ The urgent need of a two-pronged approach in the argumentation of theological ethics has been pointed out with particular clarity by Heinz Dietrich Wendland. Protology, i.e. the study of existing nature as it is the result of creation, "does not exist independently of eschatology, the first things not without the last things and the primeval time not without the final time" (*Botschaft an die soziale Welt*. Hamburg: Furche, 1959, 143). Ontological considerations must find their complement in the critical scales of the eschatological realities (ib. 148-152).

realm, part two with his responsibility towards the created world. Part one, on the religious realm, discusses the divine virtues of faith, hope and charity, and the different forms of worship. Part two, on the created world, treats of the virtues of fraternal love and of justice; community life in family, state and Church; bodily life and health; sexuality and marriage; work and property; trust, fidelity and honour.

The systematic exposition of general moral theology in this outline of Christian ethics is premised on a study of the biblical foundations of Christian morality. Since, by its nature, Christian moral theology must start from Holy Scripture as its vital source and must always refer back to it, it is most appropriate to set forth the religious setting and general characteristics of biblical moral teaching.

PART I

BIBLICAL FOUNDATIONS OF CHRISTIAN ETHICS

There are probably few religions in the world which have no ethical content at all. In primitive civilizations religion and morality, although they are distinguished, are never separated. Inversely, men have been able to construct an independent morality only in environments where religion continued to exercise an influence on consciences without their owners' being aware of the fact.¹⁾ The Christian religion, like Judaism, is quite plainly an ethical religion in the sense that it recognizes no ultimate separation between the service of God and moral conduct. The two basic commandments of love of God and love of neighbour go together and are mutually complementary.

Religions are commonly schools of ethical thought and teach their followers the paths of goodness and holiness; on the other hand they also display differences in the theological background from which they view the ethical questions and in the concrete ways in which they approach them. Their theological presuppositions do not remain without influence on the content of the moral norm. There will be differences in the choice and combination of the moral values and in the emphasis placed on them. In the context of the doctrine of reincarnation, for example, the need for purification is very much emphasized, because it is by this means that a person becomes worthy of a higher incarnation and finally of entrance into nirvana. Since sufferings like sickness or destitution constitute means of purification, they possess a positive quality and there is no urgency to fight them. The believer is not challenged to oppose and eliminate sufferings which are considered divinely sent trials. If on the other hand God is conceived as the father of all men who loves every one of them and expects that every man loves his neighbour as a brother given to him by God, the fight against suffering and destitution immediately obtains urgency and the force of a moral demand. Every religious ethics therefore has its own identity which is determined by the theological foundations from

¹⁾ Cf. J. Goetz, "Religion and Morality", *New Catholic Encyclopedia*, Vol. 12, 1967, 271.

where it comes and upon which it builds. It is desirable and even imperative that a religious ethics render itself an account of these foundations and try to grasp their implications clearly.

Christian ethics definitely receives its identity from the person of Jesus Christ and the Scriptures of the Old and New Testament. Here we find the basic principles which characterize the Christian approach to the moral life and which constitute the foundations of Christian morality. It has been observed that Christians today, when dealing with ethical issues, often suffer from a kind of identity-less drift, because they have lost touch with the Bible. "It is increasingly difficult to distinguish the church's response from that of many secular groups. Christians often fail to bring with them any self-conscious understanding of their own identity as the church when they tackle ethical questions."¹⁾ All the more it is important to give renewed attention to the Christian faith tradition, especially to the Bible.

Throughout this treatment of Christian ethics efforts shall be made to give due attention to the thought of the Bible when dealing with the various moral issues, e.g. the ultimate end, sin, perfection, fraternal love, premarital relations, divorce, work, etc. However besides this, in the following three chapters on the moral teaching of the Old and New Testament, the general foundations and characteristics of biblical morality shall be put forward.

¹⁾ B. C. Birch and L. L. Rasmussen, 1. c. 201f.

Chapter I

THE MORAL TEACHING OF THE OLD TESTAMENT

There is a strongly developed consciousness in Old Testament religion that the moral law rests entirely in Yahweh. He has revealed his will and given his commandments to his people Israel, fundamentally in the covenant at Sinai, and in further development through the word of his prophets and the other sacred writers.

For any religion and its morality, the concept of God is of greatest importance. Israel started with the immense advantage of a clear, distinct knowledge of God. There is only one God. He is holy, good and made all things good. "Not for them the problems which faced the loftiest spirits among the Greeks, puzzled by the immoralities of the Olympians. This holy God was no abstraction, but revealed himself in the history of his Chosen People as living, just and ready to save."¹⁾ Good and holy consequently is also the law decreed by Yahweh and sanctioned by his will.

Doubtless, Israel's law has also a natural background in social life. This manifests itself still very clearly in various institutions of those days, e.g. in slavery or polygamy. It has likewise been influenced by the laws of those nations among which the Israelites lived and which were their neighbours. But Israel sees these adopted laws related to God's will as well. They receive their binding character from Yahweh, who includes them in the Torah and therewith confirms them.

"Old Testament morality is therefore not autonomous, but quite the contrary; in this respect it is diametrically opposed to Greek and modern philosophical ethics, which attempt to build up a morality on the basis of human reason, starting from an idea of the good."²⁾ The Old Testament is convinced that its moral demands were given by Yahweh and have their ultimate foundation in his will.

The close connection between the religious and moral

¹⁾ Dom Ralph Russel, "The Bible", in *The Springs of Morality*, ed. by John M. Todd (London: Burns and Oates, 1956), 25.

²⁾ Th. C. Vriezen, *An Outline of Old Testament Theology* (Oxford: Basil Blackwell, 1966), 316.

element in Jewish religion results in the demand of a sanctification of man's whole life. "You shall be holy; for I the Lord your God am holy" (Lev 19:2; cf. 11:44; 20:26). Since Israel has been chosen by God among all the other nations and has been consecrated to him, it must live a life worthy of its election. All the manifold laws and precepts are only a means of achieving that perpetual "walking in the presence of God" (cf. Gen 17:1; Deut 10:12; 13:4; Is 2:3) which is the ideal of Jewish sanctity. The way to holiness is outlined in the Torah and the commandments of Yahweh.

A. The covenant with God as the foundation of OT morality

The core of OT Morality is contained in the decalogue and in the Mosaic law. This law is regarded as the document of the covenant between God and his people. Israel is bound to it, because it constitutes its part and obligation in the alliance with God. The faithful observance of this law is the condition for the fulfillment of Yahweh's promises, which he from his side had given to his people in the mutual bond of the covenant. The Mosaic law is also called the Torah. In the strict sense, it comprises the laws and legislations contained in the first five books of the OT, the Pentateuch. From there the name Torah is also extended to the whole Pentateuch itself. There are no other important collections of laws in the OT besides the Torah.¹⁾

1. The dialogue character of the covenant

The covenant between God and Israel has the form of a treaty between two rulers or nations, yet based on a free initiative of God. He himself chose the people which was to be his partner in the covenant. The election of Israel took place initially in the vocation of Abraham out of his country in Mesopotamia. God had destined him to become the father of a numerous people (Gen 12:1-3; 15:7-21; Is 51:1f). Conclusively the election took place by Israel's liberation from Egypt through Yahweh's mighty hand and the following covenant at Sinai (Deut 4:37-40; Ezek 20:5f). God, the great king, adopted for himself a people (Deut 7:6f). No merits on Israel's part motivated this election, but only God's free will and

¹⁾ It is to be understood that the Torah in its present form does not date back to Moses himself. It has a history of many centuries and many parts pertain to later times. But the first origins are as old as Moses. It was finalized long before the Christian era began.

love; for he wanted this people to play an important role in the history of salvation.

The covenant at Sinai is the most decisive event in Israel's history. Here Yahweh entered into dialogue and communion with his people (Ex 19-24). Christian tradition places Mount Sinai in the south of the Sinaitic peninsula between Egypt and Palestine. High mountains of granite, up to 2640 m, form a grandiose spectacle of nature. The dry climate only permits sparse vegetation, enough for some occasional herds of sheep. The silence and solitude of the environment command respect and open the mind to God. In this scenery the great theophany took place, which constitutes the awe-inspiring, majestic introduction to the moral law of Israel.

Moses, the ingenious leader of Israel in the exodus from Egypt and during the years of wandering through the desert to the promised land, was the intermediary between Yahweh and the people in the encounter. "The Lord called to him out of the mountain, saying, 'Thus you shall say to the house of Jacob, and tell the people of Israel: You have seen what I did to the Egyptians, and how I bore you on eagles' wings and brought you to myself. Now therefore, if you will obey my voice and keep my covenant, you shall be my own possession among all peoples; for all the earth is mine, and you shall be to me a kingdom of priests and a holy nation. These are the words which you shall speak to the children of Israel.' So Moses came and called the elders of the people, and set before them all these words which the Lord had commanded him. And all the people answered together and said, 'All that the Lord has spoken we will do.' And Moses reported the words of the people to the Lord" (Ex 19:3-8).

This opening of the dialogue between Yahweh and his people already contains the essential elements of the alliance. God recalls to Israel the great deeds he has done for them in the past, when he delivered them from the hand of the Egyptians, and he promises for the future his privileged protection and love. The further unfolding of the dialogue shows that this promise includes the assurance of the blessed land, which the Lord has prepared for his people (Ex 23:20-31). Israel in return is expected to obey the commandments of Yahweh, and readily promises this obedience.

Chapters 20 — 23 of Exodus specify the commandments and obligations the Lord wants to be kept by his people. They are composed of two groups of obligations: the ten commandments or the decalogue (Ex 20:2-17; also Deut 5:6-21) and the code of the covenant (Ex 20:22-23:19; also Lev 17-25).

The decalogue lists some basic principles of natural moral law

which are of lasting validity for ethics. It enjoys great authority not only among Jews but among Christians as well. The first three commandments involve man's relation to God, and are often called the first table of the decalogue. (According to Ex 31:18 and 34:1.29 the covenant law was written by God on two tables of stone). The fourth to tenth commandments concern man's relation to his fellowmen, and are called the second table.

The decalogue has been handed down to us in two slightly different versions: Exodus 20 and Deuteronomy 5. There is no need to enter into their variations in this context. The commandments are frequently listed in the following order:¹⁾

First table of the decalogue:

1. You shall have no other gods before me.
2. You shall not take the name of the Lord your God in vain.
3. Remember the sabbath day, to keep it holy.

Second table of the decalogue:

4. Honour your father and your mother.
5. You shall not kill.
6. You shall not commit adultery.
7. You shall not steal.
8. You shall not bear false witness.
9. You shall not covet your neighbour's wife.
10. You shall not covet your neighbour's house or field or anything that is your neighbour's.

The decalogue has been characterised as "apodictic law", because it expresses the obligations in an absolute, imperative form, mostly in brief, negative sentences. The code of the covenant on the other hand has been described as "casuistic law". It has much more the nature of the positive legislations of civil and penal codes which formulate concrete obligations in social life and determine penalties for offences against the rights of others. It is in keeping with the usual pattern of oriental legislation (e.g. of the

¹⁾ The list is an abbreviated version of the original text in Exodus. The division chosen is the one in use among the Latin Fathers, Roman Catholics and Lutherans. It groups the original text of Exodus thus: The first commandment, 20:2-6; the second, 20:7; the third, 20:8-11; the fourth through the eighth, 20:12-16; the ninth, 20:17a; and the tenth, 20:17b. Rabbinical tradition and modern Jews divide the Ten Commandments thus: the first, 20:2; the second, 20:3-6; and the third through the tenth, 20:7-17. Following Philo, Josephus and the Greek Fathers, the modern Greek and Reformed Churches (except the Lutherans) divide them thus: the first, 20:2-3; the second, 20:4-6; the third, 20:7; the fourth, 20:8-11; and the fifth through the tenth, 20:12-17 (cf. *The Jerome Bible Commentary*, vol. I, 1968, p.57).

Sumerians, Babylonians, Assyrians) and very much conditioned by the concrete, historical circumstances of the time. A beautiful example of OT ethics is the so-called “mirror of judges”, Ex 23:1.6-8. Another fine example of a collection of social and ethical norms is Lev 19:11-18

The promulgation of Yahweh’s commandments is preceded by an august, awesome appearance of the Lord in thunder and lightning, in fire and clouds, and in the blast of trumpets, though not in any kind of vision (Ex 19:16-25). It is concluded by the celebration of the covenant (Ex 24). Sacrifices are offered upon an altar. The book of the covenant is read in the hearing of the people, and they again express their readiness to observe all the ordinances of the Lord. “All that the Lord has spoken we will do, and we will be obedient” (Ex 24:7). The covenant is consummated by the aspersion of a part of the sacrificial blood over the people.

2. The providential role of Israel’s covenant

From the very beginning, the election of Israel was not an end in itself, but was meant to prepare the way for mankind’s universal salvation. When Yahweh revealed himself and his law to Israel, this was not done for the good of one small nation only. It was ultimately intended as the stepping-stone for a much greater work of God’s love, destined to comprise all the peoples of the earth.

Thanks to Israel’s covenant with Yahweh, the faith in the true God will never be forgotten any more. “Hear, O Israel: The Lord our God is one Lord” (Deut 6:4; cf. Ex 20:3; Judg 2:11-14; 1 Sam 2:2; Is 46:9). This is Israel’s ancient creed and fundamental article of faith. The polytheism of the tribes, in whose land Israel finally settled as the land of promise, is resolutely rejected. “Far be it from us that we should forsake the Lord, to serve other gods” (Jos 24:16). And whenever Israel is inclined to desert its faith in Yahweh, the only God, under the influence of neighbouring religions, its prophets call it back with imperative words to the true faith of its fathers (Is 2:8f.20; 65:6f, Jer 2:26-29; Ezek 6:1-7; Hos 2:2-13).

Likewise, the covenant teaches man in unambiguous terms that the moral law has its origin in God. It is not a free creation of man’s autonomous will. He receives it from the hand of God. He is expected to obey it. All realms of human life are subject to the divine will.

Since the fall of Adam in paradise, man lost himself ever more in self-asserting pride and rebellion against God. His discernment of good and evil was progressively darkened. The destructive

consequences of sin assumed ever greater proportions (cf. Gen 1-11). In the covenant with Yahweh, Israel comes to know the abiding truth that salvation can only be found in harmony with the divine will. Blessed are therefore those who walk in the ways of the Lord and keep his statutes (Lev 18:4f; 26; Deut 4:40; 11; 30:15-20; Ps 15; 103:17f; 119). On the other hand, divine vengeance is threatened to those who disobey his commands (Deut 28; Ps 50:16-23; Is 5:20-25; Jer 11:3-5; Mic 2:1-3).

The concrete content of Israel's law is of course of importance as well. Israel possesses in it a rather clear and true knowledge of God's will, which it holds in high esteem. "The precepts of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes....in keeping them there is great reward" (Ps 19:8-11; cf. Deut 4:5-8). Nevertheless Israel's law is also in many ways historically conditioned. It cannot claim universal validity without reservations. It stands in need of further completion, especially of the completion brought by Christ.

Later writings of the OT themselves show an awareness of the limitations of the Sinai covenant. The prophets from the seventh century B.C. onwards begin to announce a new covenant which will be more perfect than the old one (Jer 31:31-34; Ezek 16:59-63; 37:26). At the same time the covenant acquires a more universal character. Yahweh's decree of salvation also embraces the nations of the earth. Already the divine promises to the patriarchs Abraham (Gen 12:1-3; 18:18; 22:18), Isaac (Gen 26:4), and Jacob (Gen 28:14) include a more universal mission for Israel. Yahweh does not only bless them and their descendants, but in addition pledges: "By you all the families of the earth shall bless themselves." The divine gifts Israel has received are of importance for the other nations as well. God's promises provide Israel's history with a far-reaching purpose and create a mood of expectancy. As Yahweh's servant, Israel is called to give witness to the one, true God and his holy will among the nations. "You are my servant, Israel, in whom I will be glorified...I will give you as a light to the nations, that my salvation may reach to the end of the earth" (Is 49:3-6; cf. 42:1-7; 43:10-12; 55:3-5).

Though it is not Israel's immediate task to convert the nations, it is to prepare the ground for the future Messiah. He will bring about God's universal kingdom of justice, peace and holiness (Jer 23:5f). It is true that a certain position of superiority is still reserved to Israel in this future covenant (Is 55:3-5; 60:5-16; 61:5-9; Zech 14:16-19). Nevertheless the new covenant also embraces the heathen nations. Indeed they have a right to share in God's

salvation, for they too long after his justice and wait for his redemption (Is 2:2-4; 45:22-24; 51:4f).

3. Israel's basic response to the God of the covenant

In Jewish religion, as in higher religions in general, *obedience to God* is the first and fundamental duty of man. Faithful obedience to Yahweh's precepts and statutes is Israel's part in the covenant. Israel's basic answer to the God of the covenant is expressed in the pithy pledge: "All that the Lord has spoken we will do" (Ex 19:8; 24:7). Obedience in the Old Testament is closely related to faith, which is conceived as a total bond with God, and which includes obedience as one of its integral parts.¹⁾ Obedience to the God of the covenant becomes the practical profession of faith. It finds typical expression in the Deuteronomic formulation: "And now, O Israel, give heed to the statutes and the ordinances which I teach you, and do them" (Deut 4:1; also 4:5f; 6:1-3 etc; 1 Kings 2:3f; 2 Chr 34:31f; Ps 25:4f.10).

Fear of the Lord is another fundamental attitude in Israel's relation to God.²⁾ The people of Israel experiences the terrifying mystery of God above all in the majestic theophany at Mount Sinai. "When all the people perceived the thunderings and the lightnings and the sound of the trumpet and the mountain smoking, the people were afraid and trembled; and they stood afar off, and said to Moses, 'You speak to us, and we will hear; but let not God speak to us, lest we die'" (Ex 20:18f; cf. Deut 5:4f.23-27). The awe-inspiring revelation of Yahweh in the wilderness at Sinai is meant to establish Israel in the firm determination to fulfil faithfully its covenant obligations. "God has come to prove you, and that the fear of him may be before your eyes, that you may not sin" (Ex 20:20; cf. 4:10).

Time and again the fear of the Lord is mentioned as the basis of man's obedience to God. It prevents Israel from breaking the bond of the alliance, from deserting Yahweh, and from committing sin

¹⁾ Israel's faith is a saying "Amen" to God. "It means to affirm and accept his greatness, kindness, and wisdom, to submit to his will, to trust and obey him in confidence and hope" (Rudolf Schnackenburg, *Christian Existence in the New Testament*, vol. I. University of Notre Dame Press, 1968, 75).

²⁾ Traditionally the Old Testament has been characterized as a law of fear, while the New Testament is called the law of love. Yet these distinctions only mark differences in emphasis. They are not to be taken in an exclusive sense. In both Old and New Testaments there is a real though diverse blending of fear and love. This corresponds with the two elementary ways in which the sacred is always experienced by men: as the terrifying and fascinating mystery (*mysterium tremendum et fascinans*).

(Ex 20:20; Lev 25:17). "Those who fear the Lord will not disobey his words, and those who love him will keep his ways. Those who fear the Lord will seek his approval, and those who love him will be filled with the law. Those who fear the Lord will prepare their hearts, and will humble themselves before him" (Sir 2:15-17; cf. Deut 6:2; 8:6; 10:12; 17:19).

Love of God is the third basic response to the God of the covenant. While the book of Exodus motivates the duty of faithful observance of the divine commandments above all by the fear of the Lord, the book of Deuteronomy most strongly calls upon the love of God as the motive for obedient compliance with God's law. The covenant idea itself already contains the foundation for Israel's love of God. The election of this tiny nation by Yahweh before all the other nations and God's faithful concern for his people give rise to joy over the divine favour, gratitude for his benefits, and a sense of love for the divine protector (cf. Deut 4:32-40; 7:6-11).¹⁾

Love for God is a force that fills man's whole being. This finds expression in the phrase to love the Lord and to serve him with all one's heart and with all one's soul (Deut 10:12; 11:13; 30:6). This figure of speech is also used in the great commandment of the love of God, which the Deuteronomist formulates for the first time. "Hear, O Israel: The Lord our God is one Lord; and you shall love the Lord your God with all your heart, and with all your soul, and with all your might" (Deut 6:4f). This commandment truly marks an outstanding achievement in Jewish piety. It is the summit of Israel's religious and moral thought. Christ and the New Testament shall later on take up this commandment again and make it their own.

Man's love for God makes him a member of the covenant people. Forgetfulness of this love, on the other hand, excludes him from it. This truth is pointed out when divine blessings are promised to those who faithfully adhere to the Lord, but divine chastisements are threatened to sinners who desert him (Deut 7:9f; 11:13-17.22-28; 30:15-20). Here then emerges the link to the fear of God, which the Deuteronomist likewise often mentions, and at times in one breath with the love of God (cf. Deut 10:12; 13:4). The covenant people must above all love the Lord. But if it is tempted to desert Yahweh, it is well advised to fear his judgements. Nevertheless Yahweh's judgements are not an end in themselves but subordinate to the purpose of his love, because they are

1) "The Deuteronomist attempts to illuminate the whole history of the nation with the light of God's love" (Walther Eichrodt, *Theology of the Old Testament*, vol. II. London: SCM Press, 1967, 296).

ultimately meant to preserve man in the bond of fellowship with his God.

B. A sense of community as determining factor in Israel's relation to fellowmen

In regard to interpersonal and social ethics, Old Testament morality is guided and motivated by a strong sense of community. The tribes of Israel feel bound together by their common racial origin and by their common history and culture. But above all, they are bound together by the religious bond of the covenant, into which Yahweh has entered with them.

Yahwism most strongly advanced the development of Israel into a people. The belonging to the same covenant and the common experience of divine redemption joined the people together in a spiritual and religious community of a very cohesive nature. "The faith in the one God of the Covenant gave the social and historical factors already uniting the tribes of Israel their sanctification and therefore their absolute confirmation; it advanced this unity so particularly because the belief in God of Yahwism was so exclusive and made any other religious ties impossible."¹) Besides, the fact that the common brotherhood receives a decisive foundation in the covenant with Yahweh and in his divine will gives fraternal love a strong theological motivation. In Israel's morality, service to man is service to God.

The sense of community constitutes the central motive in Israel's human relationships. Community centred thinking exerts a decisive influence upon the manner of life and the moral conduct of the Israelite. "Such a thing is not done in Israel" (2 Sam 13:12; cf. Gen 34:7) is a guiding principle for an Israelite's way of acting. On the other hand, whoever disregards the accepted norms and commits "folly in Israel" incurs the judgement of the community (Deut 22:21; Josh 7:15; Jer 29:23).

Israel's communal sense manifests itself in an attitude of fraternal solidarity. As all live in the same covenant-relationship with Yahweh, each man is also linked with his fellowman by a bond of mutual faithfulness.

Israel is a community of brothers. "Within this community men must help each other as much as lies in their power. And, like the relation between God and man, that between man and man is

¹) Th. C. Vriezen: *An Outline of Old Testament Theology* (Oxford: Basil Blackwell, 1966), 322.

also personal throughout. The background of the words 'faithfulness', 'righteousness' and 'justice', without which Israelite community cannot exist, is the idea of the covenant."¹⁾ A fundamental demand, that results from the common brotherhood, is the maintaining of law and justice. The just man takes care that mutual rights are respected and that the integrity of each man in the community is maintained fully.

Special social laws protect the underprivileged (*personae miserabiles*) in the Jewish society: the widows and the orphans, the poor and the crippled, the Levites (who had no portion of land), hired servants and aliens (non-Israelites who had settled down among the people). Many of these laws have the form of the apodictic law, which is closely related to the Yahweh religion. So it is stated: "You shall not afflict any widow or orphan" (Ex 22:22). "You shall not pervert the justice due to your poor in his suit" (Ex 23:6; cf. 23:3; Lev 19:15; Deut 24:17). "You shall not exact interest from him" (Ex 22:25). "You shall not curse the deaf or put a stumbling block before the blind" (Lev 19:14). "You shall not forsake the Levite who is within your towns" (Deut 14:27). "You shall not oppress a hired servant" (Deut 24:14; cf. Lev 19:13). "You shall not wrong a stranger or oppress him" (Ex 22:21; cf. 23:9; Lev 19:33f).

The social criticism of the prophets always refers back to this legal tradition. They do not proclaim new reform programs, but match the deteriorated social order of their times against the ancient will of Yahweh. Denouncing the wasteful life of the landlords and the rich in the towns, they take up the cause of the oppressed, especially of the exploited peasantry. In doing so, they point to the basic correlation between man's love for his neighbour and his faithfulness to God.²⁾

The communal sense furthermore implies a strong awareness of social responsibility and a great concern for the weal and woe of the community. According to OT thinking, a man must live for the community from which he derives his origin. This is underlined by the conviction that just as in a family a father can become a mediator of blessing and happiness or of curse and ruin for his entire house, so too earlier generations play a large part in deciding whether later generations will be blessed or cursed. Although such an influence is most strongly exercised by the leaders of the

¹⁾ Th. C. Vriezen, l. c. 326.

²⁾ Cf. H. Eberhard von Waldow, "Social Responsibility and Social Structure in Early Israel", *Catholic Biblical Quarterly* 32 (1970), 182-204.

nations, the kings and the priests, it also emanates from the common members of the people. They too are sources of "happiness or unhappiness of the whole community according to whether they are pious or sinners, just as, conversely, they have a share in the merit and the guilt of the fathers and of the people as a whole."¹⁾ It is in this same line of thought that according to OT understanding the individual man can gain access to God and to salvation only in union with the people of Israel whom God has chosen.

C. Distinctive character and limitations of Old Testament ethics

1. Distinctive character of OT morality

If one seeks to define the distinctive character of Israel's morality and law in comparison with that of other ancient peoples, then attention must first be drawn to the consistency with which the entire law and all spheres of human life are placed under the absolute rule of Yahweh. Not only the ethical norms and cultic regulations, but also the secular laws derive their validity from being a direct command of Yahweh. Any breach of them is an outrage against Yahweh himself. "It is just this manifest concentration on the religious ordering of the national life as its indispensable foundation, which indicates a spiritual achievement without parallel in the ancient East."²⁾ The most remarkable feature of Israel's ethics is the conviction that moral action is inseparably bound up with the worship of God. This means that God regards obedience to the law equally important as the worship of himself. Consequently every faithful performance of a duty, even in the most humble setting, acquires the nobility of an act of worship.

Moreover Israel's monotheism provides a principle of absolute unity for the moral and legal order: one Judge of all the earth with one law for all. From here derives another characteristic of Israel's law. It does not know of any class-distinction in the administration of justice, a practice which is quite common in other ancient codes of law. We hear nothing of any special law for the

¹⁾ Josef Scharbert, "People (of God)", *Encyclopedia of Biblical Theology*, ed. by J. Bauer, 1969, 657.

²⁾ Walther Eichrodt, *Theology of the Old Testament*, vol. I (London: SCM Press, 1961), 75. The same conclusion is reached by R. E. O. White who writes: "It is impossible to exaggerate the significance of this inherited conception of the God before whose eyes the moral life has to be lived, and before whose judgment the soul must eventually pass" (*Biblical Ethics*. Exeter: The Paternoster Press, 1979, 15).

rulers, the priesthood, or the aristocracy. Every member of God's people is equally bound to the God of the covenant, the king as well as the simplest subject. This fact is particularly evident from the activity of the prophets, who proclaim their judgement irrespective of persons.

A further consequence of the concentration of the moral authority in a single divine will to the exclusion of any other authority is the absence of magic as a substitute for compliance with the moral obligation. Egyptian priestly teaching, for example, provided the deceased with magical means (e.g. a consecrated scarabaeus) which enabled the heart to hide its sins before the judges of the dead. In neo-Babylonian times magic of all sorts was the popular means of influencing the invisible powers. "In ancient Yahwism this kind of magic was absent and therefore the once-accepted ethical commandments necessarily had greater practical importance."¹⁾ Neither is there another divine power which could neutralize Yahweh's verdict against the sinner, nor has his power limits so that a magical formula could compel the desired result against his will. Salvation can only be found in obedience to the holy will of God.

Another noteworthy feature of Israelite law is a high regard for the human person. The value of human life is recognized as incomparably greater than all material goods. This respect manifests itself in the absence of gross brutality in the punishment of the guilty. While in the Code of Hammurabi or in the Assyrian law bodily mutilations are not unusual at all, such as the cutting off of the hands, the cropping of the nose or ears, the plucking out of the tongue, branding, or cutting off of the breasts, they are not customary in Israel. "There is evidence here of a genuinely noble humanity and a deepened feeling for equity as traits of Israelite law. This can hardly be explained except in terms of the knowledge of God — that God who created man after his own image and therefore protects him, even when he is liable to punishment."²⁾

A final distinctive feature concerns the goal of the moral life. There is a strong line of thought in the OT which discerns fellowship with God as the supreme goal of moral action, more important than all temporal goods. Most of the time this knowledge expresses itself in an unreflective feeling rather than in clear assertions. This awareness is shown when the prophets interpret the afflictions of the nation as a means of purification by which God educates his people to maintain or restore the fellowship with him; or when in

¹⁾ Max Weber, *Ancient Judaism* (New York: The Free Press, 1967), 263.

²⁾ W. Eichrodt, l. c. 79.

the post-exilic community the term "poor" is used as a title of honour for the pious (Ps 22:26; 74:19-21; 86:1f; etc.). The experience of the higher value forces itself to reflex consciousness in situations of conflict where, for example, a choice has to be made between suffering and death on the one hand and loyalty to God on the other. The faithful Jew is expected to sacrifice his life rather than to deny his faith, and he does not hesitate to do so (e.g. 1 Mac 1:54-64; 2 Mac 6:18-31; 7). Wisdom literature knows of a life more valuable than earthly existence. Its most precious content is the good pleasure of God and the community with him (Ps 16:5-11; 73:21-26; Prov 3:21-26; Wis 1:15f; 3:1-11; 5:14-16).

Nevertheless it cannot be ignored that this line of thought is far from being the only one. There is another line, at least equally pronounced. This leads over to the limitations of OT morality.

2. Limitations

The Old Testament constitutes only the beginning of salvation history and the introduction of God's salvific action to the world. It still expects the fulfilment of its hope for integral redemption. Therefore it cannot cause surprise if it is still lacking in perfection and affected by various limitations.

If fellowship with God is a major motive of OT morality, as mentioned above, then the hope for temporal blessings looms great as well, if not even greater. A strong eudaemonistic trait dominates throughout the Old Testament. The idea of retribution, the hope of temporal reward and fear of temporal punishment, approval and disapproval of one's fellowmen are most customary means of persuasion. Riches, honour, a long life, a family with a beloved wife and numerous children, in short, temporal and material blessings are valued highly. In the expectation of the messianic kingdom, the national goods of freedom and power, a great population and a glorious Jerusalem with its temple, loom very large. In too naive a way natural calamities and invasions by enemies are always interpreted as punishments by God, prosperity and victories as his blessings. Even the psalms are to a large extent pervaded by this mentality. This created for the Jew the great and ultimately unsurmountable problem of the suffering of the just and pious man, who does not receive the promised and expected temporal blessings and thus does not seem to be rewarded for his good life (cf. Job).

Another shortcoming of OT morality is the limiting of fraternal love and concern to the Jewish community. It results from the otherwise positive feature of a strong Israelitic sense of brother-

hood. Fraternal love does not extend to the foreigner. Much less does it extend to the national enemy, who is entirely devoid of any right. Of course this was the universal attitude in ancient Eastern society. Nevertheless it remains a defect in moral insight. It is true that during and after the exile the prophets begin to break through the barriers of a narrow nationalism. They envision a new order where, under the leadership of the messianic king, all nations will come to the house of the Lord and be accepted as his people. Yet while Israel was waiting for the universal kingdom of the Messiah, it continued to keep itself separated from those who did not accept the Sinai covenant and its law.

Here, as well as on several other occasions, the Old Testament shows itself historically limited and influenced by the general imperfections and shortcomings of ancient Eastern morality. Other examples are slavery,¹⁾ polygamy,²⁾ divorce (which was a right only for the man, cf. Deut 24:1-4), and the attitude towards the personal enemy. Although hatred and vengeance against a neighbour are banned by Lev 19:17f, love of one's enemy remains rather restrained by the ideas of justice and expiation, as is illustrated by the *lex talionis*: "Eye for eye, tooth for tooth" (cf. Ex 21:23-25; Lev 24:17-20; Deut 19:21).³⁾ Even the psalms often display a spirit of vengefulness, while prayers for the conversion of the enemy remain rare.

A final limitation is the legalistic approach to the law. This is to a large extent due to the particular understanding which the Jews had of the Mosaic law. They respected the Torah very highly as a gift of God. They regarded it as a law which was not only more perfect than that of other nations, but simply perfect altogether. Being perfect, it did not need nor admit of correction or change. Love for God therefore finds its natural expression in love for the law (cf. Ps 19:7-11; 119). And moral perfection consists in the perfect fulfilment of the law. "The highest moral value for the Jew is

¹⁾ Although Israel's attitude towards slaves was on the whole more humane than that of its oriental neighbours (cf. Ex 20:10; 21:20f, 26f; Deut 23:15f; Job 31:13-15), the institution of slavery was on principle accepted. With regard to Israelites however slavery could only exist for a limited time, legally defined with an ultimate term of six years. Only voluntarily could it be translated into slavery for life (cf. Ex 21:1-11; Jer 34:8-17).

²⁾ Polygamy was tolerated in the OT without criticism even from the prophets. Yet in wisdom literature there are no further references to having several wives.

³⁾ Restraints in man's attitude towards his personal enemy and occasionally even the spirit of forgiveness are enjoined by Ex 23:4f; Prov 24:17f; 25:21f; Sir 28:1-7.

holiness which is identified with complete observance of the Torah.”¹⁾

The Torah however contains moral, cultic and civil prescriptions alike. It is in the nature of cultic and civil laws that they are historically conditioned and much more subject to change than moral laws. Moral laws have greater authority than positive, cultic and civil laws, even if the latter are of divine origin, as for example the precept of sabbath rest. In case of conflict, moral laws prevail over positive laws. Positive laws more readily admit of exceptions (including those of *epikeia*). They also can become obsolete. Thus a number of laws in the Torah were merely sustained for the sake of tradition, though they had lost their meaning long since, e.g. the prohibitions to eat the meat of a great number of animals, among them not only the swine, but also the hare, the water hen, various lizards and anything in the waters which has no fins and scales (Lev 11). The same holds for the perpetual statute to eat neither fat nor blood (Lev 3:17). Out of proportion and in civilized nations universally abolished is also the OT imposition of death penalty for such offences as working on the Sabbath day (Ex 31:15; Num 15:32-36), adultery, incest, homosexuality and bestiality (Lev 20:10-16; Deut 22:23f).²⁾ To ascribe immutable validity to cultic and civil laws is not in keeping with their nature.³⁾

Nevertheless the observance of all the laws of the Torah, whether moral, cultic or civil, was considered as of equal importance by the Jews. Righteousness was sought in a most literal observance of all the different commandments, rulings and laws. Moral perfection was widely identified with a slavish following of the letter of the law. The situation was still more aggravated by the fact that many supplementary laws and traditions of the elders were added, which likewise claimed unreserved obedience. Thus submission to the written code more and more threatened

¹⁾ Irene Marinoff: “Judaic Morality”, in *The Springs of Morality*, ed. by John M. Todd (London: Burns and Oates, 1956), 267. “The obedience is one beyond dispute. Man has no right to ask for the justification of the precepts” (Wolfgang Schrager, *Ethik des Neuen Testaments*. Göttingen: Vandenhoeck und Ruprecht, 1982, 57).

²⁾ In Jn 8:2-11 Jesus refuses to have a woman stoned who was caught in adultery.

³⁾ Other laws which had lost their meaning even before the beginning of the Christian era are, e.g., the provisions concerning the sabbath year (Lev 25:1-7 par), the year of the jubilee (Lev 25:8-24) and the cities of refuge for those who had committed manslaughter (Num 35:9-15 par). The numerous chapters in Leviticus and Deuteronomy devoted to norms concerning the sacrificial cult are likewise of very limited moral significance.

obedience to the genuine will of God.

The great danger to man's faith, inherent in these misconceptions, was clearly perceived by Christ. Most of his controversies with the Pharisees and scribes revolved around their narrow, legalistic practice of the law, combined with their neglect of the weightier matters, faith, mercy and love. The ever increasing bitterness of the conflict contributed not a little to the rejection and final condemnation of Christ. But the truth of his message prevailed. It impressed itself on the hearts of many believers and could never be forgotten any more. The new covenant fulfilled what the old covenant contained in promise, but was not able to attain.

Chapter II

THE MORAL TEACHING OF JESUS • AND THE EARLY CHURCH

Christian religion is presented by the New Testament as the “new covenant” (Mk 14:24 par; 1 Cor 11:25; 2 Cor 3:6; Heb 8:6-15; 9:15; 12:24; 13:20). This indicates a continuance and renewal of the covenant theme of the Old Testament by the New Testament.¹⁾ The idea of the covenant is also adopted by the latter as a means to describe the link between religion and morality. God is definitely considered as the source and motive of the moral obligation. Christian ethics, the same as Jewish ethics and still more radically so, is decidedly theonomous.

The initiative for the bond of unity and communion between God and man comes in the NT as much as in the OT from God alone. As the old covenant rested upon the act of God in delivering Israel from Egypt, so the new covenant rests upon the act of God in redeeming mankind through the death and resurrection of Christ. And as the old covenant laid upon Israel consequential obligations which were defined in the decalogue, and more explicitly in the whole law of Moses, so the new covenant lays consequential obligations upon the Church which are, in the view of Matthew, defined in the Sermon on the Mount, but whose entirety is to be collected from the whole New Testament.

Having stated the fact of moral demands and of a law (cf. 1 Cor 9:21; Gal 6:2-8; Jas 2:8-12) in the new covenant, the question arises as to their precise form and content. Since the moral teaching of Jesus and of the early Church are not equal in character and also place the theological emphasis somewhat differently, they shall be dealt with separately.

¹⁾ Because the initiative in the covenant is always from God, the Greek Septuagint and the New Testament usually render the Hebrew *berit* with the Greek *diathéké*. This word seldom means covenant, but rather a free disposition, a last will or testament. This translation is the origin of the use of the word “testament” instead of “covenant” in the designations “Old and New Testament” for the Jewish and Christian faith. It conveys the idea of the merciful initiative of God very well, but expresses less the need of a human response.

A. The moral teaching of Jesus according to the synoptics

The synoptic Gospels of Matthew, Mark and Luke put us most closely in touch with Jesus' own teaching. Although these evangelists are not the earliest New Testament writers, they are the ones who have most deliberately set themselves the task to hand down *Jesus'* teaching to the Church. They are also the most direct sources of his moral teaching.

Jesus shares many of his religious assumptions with the religion of his people. Yet he also transcends its limitations. He breaks through the nationalist barriers of racial particularism and the narrow clinging to an obsolescent law. He lays the foundations for a religion of universal character and sets men free for the radical faith of an unhampered commitment to God.¹⁾

1. *The proclamation of the kingdom as foundation of the moral demand*

At the beginning of the Gospel according to Mark, Jesus' preaching is summarized in the words: "The time is fulfilled, and the kingdom of God is at hand; repent, and believe in the gospel" (Mk 1:15). First, there is the proclamation of a divine act, which has brought about a new situation. History has reached its climax. In the activity of Jesus, God's royal reign has come. This proclamation of the kingdom is then followed by the demand of a response on the part of men. The desired response is stated in the words: "Repent, and believe in the gospel." Three characteristic themes of Christ's teaching are called up by this summary: the kingdom of God, repentance, and faith.²⁾

Already in the Old Testament, God is described as a king who reigns over the world (Ps 47; 93; 95-99). The *kingdom of God* is therefore a permanent reality. But the prophets also promise a future time of salvation which will unite all nations in the worship of the one, true God and definitely establish his reign among them (Is 24:23; 33:22; 52:7; Mic 4:6f; Zech 14:9.16f). According to the words of Jesus, the time for the fulfilment of these promises has approached with him. In his person the kingdom of God has come

¹⁾ A helpful presentation of Jesus' links with Judaism and the differences which distinguish him is given by R. E. O. White, *Biblical Ethics* (Exeter: Pater Noster Press, 1979), 53-63

²⁾ The three themes are dealt with in detail by Rudolf Schnackenburg, *The Moral Teaching of the New Testament* (London: Burns and Oates, 1967), §§ 1-3.

near to mankind in a new immediacy (cf. Lk 4:16-21; 10:8-11; 11:20 par; 17:20f). It is present in his words and saving acts. It is a precious good of highest value. No effort and no sacrifice must be counted too great in order to possess it (Mt 6:33 par; 13:44-46). It is Jesus' keen desire to make his hearers resolved to commit themselves in total devotion to God. In many parables he points out to them the need to become worthy of the kingdom (Mt 22:1-14; 24:45-51; 25:1-12.14-30 par; Lk 12:35-37).

In order to be admitted to the kingdom men must turn away from any false loyalties and attachments. *Repentance* therefore is a first demand made by Jesus on those who wish to participate in the reign of God (Mt 21:28-32; Lk 13:1-9; 15:11-24). This implies that those to whom the call to repentance is addressed have been in the wrong and are expected to turn away from their former path. It demands a radical re-adjustment of the whole man by a resolute, total turning to God and a readiness to grasp the opportunities of salvation offered by him. In the Semitic mind, it can also imply a conversion in belief, or at least a new and deeper understanding of God and his holy will. If such a re-adjustment is to be made, people must appreciate clearly where things went wrong and what the true values are to which they have to re-orientate themselves. For this re-orientation the ethical teaching of the Gospels provides the material. The attitude of mind that most frequently militates against repentance is self-righteousness and pride. Jesus sharply illustrates this conflict by the parable of the Pharisee and the publican (Lk 18:10-14; cf. Mt 23:5-12).

The demand for repentance is very closely connected with the call to *faith*. Faith is the positive side of conversion. "Believe in the gospel" means, believe in the message about the kingdom of God that Jesus brings, not in an uncommitted way but by accepting the consequences it involves for each human being personally. "If God now announces his eschatological salvation through Jesus and in Jesus, the most important requirement is to believe in this message of salvation, to affirm it with all one's powers, and to accept its consequences."¹⁾ Faith is more than mere recognition and assent. It is both trust and submission. The moral importance of faith lies in the fact that it has accepted the demand for repentance and requires obedience to the Son of God, the following of his teaching. The man of faith unconditionally submits himself to the sovereignty of God and resolutely commits himself to his service.

It pertains to the nature of a kingdom that it claims authority

¹⁾ R. Schnackenburg, l. c. 35.

and obedience. This also holds for the reign of God. One cannot have a kingdom of God among men unless the rule of God has been accepted by them. The proclamation of the kingdom implies that the will of God must be obeyed totally, in all the spheres of life, everywhere. This is the primary object of the Lord's prayer (Mt 6:10 par). The good news of the kingdom of God and Jesus' demands of repentance, obedience and faith are intrinsically related to each other. This is the basis for the essential unity of religion and morality in Jesus' preaching.

2. Style and literary character of Jesus' teaching¹⁾

Christ's ethical teaching is of a singular nature. It is usually not expressed in plain precepts like those of the decalogue or of the apostles' epistles. He uses metaphoric language in which his demands not seldom appear radical and exaggerated. Therefore the problem of the correct interpretation of Christ's commandments arises.

The difference between the directions for conduct in the Gospels and the ethical precepts of the epistles may be illustrated by comparison of some typical passages. The moral teaching of Jesus is characterized by this text from the Sermon on the Mount: "If any one strikes you on the right cheek, turn to him the other also; and if any one would sue you and take your coat, let him have your cloak as well; and if any one forces you to go one mile, go with him two miles. Give to him who begs from you, and do not refuse him who would borrow from you" (Mt 5:39-42 par).²⁾

The early Christian catechetical teaching, on the other hand, can be exemplified by the following passage from the letter to the Romans: "Love one another with brotherly affection; outdo one another in showing honour. Never flag in zeal, be aglow with the Spirit, serve the Lord. Rejoice in your hope, be patient in tribulation, be constant in prayer. Contribute to the needs of the saints, practise hospitality. Bless those who persecute you..." (Rom 12:10ff).³⁾

The style of the moral instruction in the Gospels is essentially different from that of the epistles. The sayings in the Gospels have

1) This paragraph owes much to C. H. Dodd, *Gospel and Law* (Cambridge: University Press, 1965), 46-63. See also R. Schnackenburg, l. c., § 7, "Jesus' Radicalism", 73-81.

2) Other examples: Mt 5:21-24; 6:25-34; 18:7-9; 23:8-10; Lk 14:12-13.

3) Other examples: Col 3:12-22; 1 Thess 5:14-22; Heb 13:1-5; 1 Pet 3:8-11.

an incomparably greater liveliness and pointedness than the maxims in the epistles. They share this figurative style with the teaching of Jesus as a whole. This style is most obvious in the parables, but it pervades all his sayings and also his precepts for action: His teaching is always poetical, imaginative, close to life in the figures and pictures he chooses, filled with dramatical power.

As a consequence, it is surely clear that the precepts of the epistles and those of the Gospels are not conceived on the same level. "The precepts in Romans are perfectly straightforward general maxims which you could transfer directly to the field of conduct. You could take them quite literally as they stand and try to put them into practice, and the attempt would be worth making. That could hardly be said of the Gospel precepts. Whatever you make of them, you could not profitably go about applying these precepts directly and literally as they stand. It is not that they are necessarily so very difficult — I mean taken literally. In fact, it might be easier to give to every beggar you meet than to exercise discrimination. They are not in that sense difficult. It is that these precepts are simply not suitable, as the precepts in Romans are, for use as a plain guide to conduct, if you take them literally as they stand. Evidently they were not intended for such use."¹⁾

Many of Christ's precepts cannot be directly transferred from the written page to action. "Give to everyone who asks." "Leave father and mother, wife and children, and hate your own soul." "If your hand or your eye is leading you astray, cut it off and cast it away." "Never worry about food or drink. The morrow will look after itself." "Do not invite your friends or your brothers. Invite the poor, the maimed, the lame, the blind." These summons are not of the nature of general, moral principles, which need to be followed verbally, always and everywhere. They are rather stirring challenges to a boundless generosity. "The one thing that all such sayings clearly enforce is the unlimited scope of God's commands. They leave no room for complacency. It is impossible to be satisfied with ourselves when we try our conduct by these standards."²⁾ The precepts of Christ expose our need for forgiveness and for constant conversion. Thus they become standards by which our conduct is judged as well as guideposts on the way we must travel in seeking the true ends of our being under the kingdom of God.

Christ makes use of a deliberately exaggerated, hyperbolic form of speech to enable men clearly to recognize the radical

¹⁾ C. H. Dodd, l. c. 52f.

²⁾ *Ib.* 61.

demand of God calling to an ever greater perfection. He wants to win acknowledgement of God's will in its original totality. The Jewish idea of obedience to God is carried by Jesus to its last consequences. Compliance with the external, written law is only a partial fulfilment of God's will. A more comprehensive, more radical obedience is demanded of the disciple (cf. Mt 10:17-25 par; Lk 9:57-62; 14:26 par).

The morality of Christ is characterized by precepts which claim man's total, unconditional obedience and open up vistas towards a surpassing and even inconceivable perfection. Consequently one will never be able to fulfil the precepts of Christ to such a degree that nothing is left to be done. The attitude of one who tries to follow the commandments of the Lord is well described by Paul: "I do not consider that I have made it my own; but one thing I do, forgetting what lies behind and straining forward to what lies ahead, I press on toward the goal for the prize of the upward call of God in Christ Jesus" (Phil 3:13f).

One must not however make use of this metaphoric style of teaching in order to neglect the actual demands it contains. It would be wrong to maintain that Jesus was only concerned with interior dispositions. His purpose was not merely to awaken his hearers out of their moral lethargy and self-satisfaction. He also wanted to give new guiding principles and also to impose a certain pattern of behaviour as obligatory.¹⁾ The disciples are expected to do good works so that they can be the salt of the earth and the light of the world (Mt 5:13-16 par). They are to be people who are merciful and make peace (Mt 5:7 and 9) and persevere in prayer (Lk 11:5-13; 18:1-8). The precepts to pray for enemies (Mt 5:44 par) and to forgive men their trespasses (Mt 6:14f par; 18:21f) need to be taken literally, otherwise they remain without meaning. The ten commandments are repeated by Christ and continue to oblige the disciples (Mt 19:16-19 par; cf. 5:21-24. 27f). Even though some demands are brought home in parables, Jesus certainly wants men to be responsible stewards of their possessions in a real sense, to treat their fellow servants well (Mt 24:45-51) and to make good use of their talents (Mt 25:14-30 par). Works of mercy are a real

1) H. D. Wendland firmly protests against the Lutheran tradition according to which Jesus' precepts only have the meaning to lead the hearer to recognition of his sins (*usus elencticus legis*). Such a position ignores that Jesus' precepts everywhere aim at fulfilment. "God wants to have doers in his service. A degenerate Protestant concept of faith has obscured this side of Jesus' preaching completely" (*Ethik des Neuen Testaments*. Göttingen: Vandenhoeck und Ruprecht, 1978, 29. This book of Wendland has to be distinguished from the later book by W. Schrage with the same title and from the same publisher, likewise quoted in this chapter).

duty for those who want to be found worthy of the kingdom of God (Mt 25:31-46).

In summary, Jesus' message of salvation does not only contain the universal demand of unreserved obedience to God, but also knows of specific deeds and precepts which are the visible expression of this obedience and its concrete form.

3. Concentration of the moral demand in the commandment of love

The Jewish doctors of the law once expressly posed the question to Christ, which commandment he considered the greatest among all the others. In answer Christ formulated the great commandment of love of God and neighbour, which henceforth should remain the outstanding characteristic of Christian morality. "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the great and first commandment. And a second is like it, You shall love your neighbour as yourself. On these two commandments depend all the law and the prophets" (Mt 22:37-40 par). The two commandments complete and need each other. Love of God is of fundamental importance indeed; but taken alone and by itself, it may readily remain abstract and at a distance from worldly affairs. Love of neighbour gives concrete content to the love of God, simple enough for everybody to grasp. But it needs the love of God and of his kingdom as a final orientation and criterion, without which love of neighbour remains fortuitous and unable to determine its priorities.

Love of God consists in obedience to his will and in service to his kingdom. "No one can serve two masters", says Jesus. One can only love one. "You cannot serve God and mammon" (Mt 6:24 par). To love God is to serve him, and him alone. Obedience to his will is more important "than all whole burnt offerings and sacrifices" (Mk 12:33). The main petition of the "Our Father" therefore is: "Thy kingdom come, thy will be done, on earth as it is in heaven" (Mt 6:10). Hence, "we can say that love for God, as Jesus understood it, above all means fulfilling in faith and obedience all the requirements that God has made known through Jesus as conditions for entering the kingdom of God."¹⁾

Love of neighbour builds upon the foundation of this utterly resolute love for God. To love God means to love all those who are loved by him, and that includes even sinners and enemies (Mt

¹⁾ R. Schnackenburg, l. c. 99.

5:43-48 par). The unparalleled parable of the Good Samaritan brings this point home in an impressive example (Lk 10:30-37). Against the limitation of fraternal love to friends, associates and kinsmen, Christ here affirms the universal scope of the commandment. Every man in need becomes my neighbour if I am in a condition to help him, no matter what his nation or race.¹⁾

The love preached by Jesus is above all a love for the destitute and needy.²⁾ Even though the word "love" does not appear in the judgement scene of Mt 25:31-46, it offers an unforgettable picture of what love means. For the just are those who have fed the hungry, given drink to the thirsty, clothed the naked and visited the sick or the prisoners. The judgement bases itself upon what a man has done (cf. Mt 16:27). The same message is brought home by the parable of the rich man and the poor Lazarus. Even though the rich man is not the reason for Lazarus' miserable condition, he is nevertheless bound to help him and is condemned because he did not do it (Lk 16:19-31). A loving understanding for the poor permeates the gospel accounts. "It is without question a correct observation that social distress comes further to the fore with Jesus than it does with the Rabbis. Again and again Jesus appeals for money to be given to the poor (Mark 10:21 par; Matt 6:4.20; Luke 12:33)."³⁾ Especially Luke emphasises Jesus' compassionate concern for the world's needy, but it also finds expression in the other synoptics.

Besides the expansion of the concept of neighbour to universal scope, the quality of fraternal love is also intensified by Jesus. In often radical demands he urges the great need of a boundless, ever-surpassing love (e.g. Mt 5:21-24.39-42; 6:2-4; Lk 14:12f). He challenges his hearers to a self-denying love which sets itself no limits, just as he himself was ready to undergo sufferings and to sacrifice his life for the salvation of the many (cf. Mt 10:39; 20:25-28; Lk 9:23f).

Jesus' double commandment of love impressed itself deeply

1) Breaking through the barriers of racial nationalism and ritual limitation by circumcision, Christ extends love of neighbour to absolutely all men and even to the enemy. "This breadth of the commandment to love is without parallel in the history of the time" (Joachim Jeremias, *New Testament Theology*, vol. I. London: SCM Press, 1971, 213).

2) The dawning of God's reign is decisively demonstrated by Jesus' love for the despised and marginalized. "By taking sides with the outcast and those discriminated against, he makes the advent of God's reign credible as the advent of God's love and justice" (Wolfgang Schrager, *Ethik des Neuen Testaments*. Göttingen: Vandenhoeck und Ruprecht, 1982, 26).

3) J. Jeremias, l. c. 221.

upon the mind of the Church from her earliest beginnings. Its repercussions can be traced throughout the New Testament.

4. *Jesus' attitude to the Jewish law*¹⁾

Questioned by the rich young man: "Teacher, what good deed must I do, to have eternal life?", Jesus answered: "If you would enter life, keep the commandments."²⁾ Christ then lists some portion of the ten commandments, thus showing that also in his ethical teaching they retain their validity (Mt 19:16-19). And in fact, Christ is deeply rooted in the moral teaching of his people; he too appeals to the will of God as enshrined in the "law".

This attitude of Christ is confirmed by other sayings of his. "Think not that I have come to abolish the law and the prophets; I have not come to abolish them but to fulfil them" (Mt 5:17). Although it remains an open question how the fulfilment of the law by Christ is to be understood, it is clear that Jesus did not reject the Jewish law as such.

In his woes against the Pharisees and scribes he criticizes their legalistic attitude, but again without attacking the law as such. "Woe to you, scribes and Pharisees, hypocrites! for you tithe mint and dill and cummin, and have neglected the weightier matters of the law, justice and mercy and faith; these you ought to have done, without neglecting the others" (Mt 23:23; Lk 11:42 lists as the weightier matters justice and love of God; cf. Mt 23:3). In other words, obedience towards the law is not superfluous. It is a good thing to have exact rules to follow, and to follow them conscientiously. But if this observance is not inspired by the spirit of justice and mercy and love of God, it still has little to do with true morality.

Also from Christ's personal behaviour it is quite clear that his purpose was not simply to set aside the Jewish law. He shared in the richly developed religious life of his people, as it was ruled by the law. On the sabbath we find him in the synagogue (Mk 1:21 par; 6:2; Lk 4:16; 13:10) and on the great pilgrimage festivals in Jerusalem (Lk 2:41; Jn 2:13; 5:1; etc.). He celebrated the paschal feast in the traditional way with his disciples (Mk 14:12-15 par), wore the prescribed tassels on his cloak (Mk 6:56; Lk 8:44), paid the temple half-shekel (Mt 17:24-27), and sent the lepers he

1) Cf. R. Schnackenburg, *The Moral Teaching of the New Testament*, §§ 5 and 6.

2) It is significant that in his answer to the rich young man "Jesus refers to the validity of the Torah, however not globally, but confined to the commandments of the second table." Beyond a blind obedience towards the entire Torah, Jesus more urgently demands love; cf. Mt 19:19 (W. Schrage: *Ethik des Neuen Testaments*, I. c. 58).

healed to the priests in accordance with the precept of the law (Mk 1.44 par; Lk 17:14). St. Paul therefore rightly can say that Christ was "subject to the law" (Gal 4:4).

But on the other hand, Jesus is aware of having been sent to reveal the will of God in its original sense and clarify it on doubtful points with divine authority, and where necessary to state and promulgate it afresh (cf. Mt 5:21-48). For him the Old Testament law of the *Torah* is not an absolute rule. Much less does he attribute such an authority to the traditions of the elders, the *Halakah*, the interpretations and applications of the Torah by the scribes.

Jesus is obviously very critical towards the traditions of the elders, as is shown in his dispute with the Pharisees and scribes in Mk 7:1-13. The controversy centres round the ritual washings before meals, as demanded by these traditions. Jesus makes it clear that he regards the traditions as unnecessary burdens, and even worse. They are nothing but the work of men (v. 7) and even contradict the commandment of God (v. 8). "You are making void the word of God through your tradition" (v. 13), he accuses the Pharisees and scribes (cf. also Lk 11:37-41). In a like manner he repeatedly disregards the regulations concerning the sabbath rest, especially when it is a matter of healing sick people (Mt 12:1-8 par; 12:9-14 par; Lk 13:10-17; 14:1-6). For "the sabbath was made for man, not man for the sabbath" (Mk 2:27). He and his disciples do not observe the traditional fasting (Mt 9:14f par) and he eats with tax collectors and sinners, which was forbidden for a law-abiding Jew (Mt 9:10-13 par).

Yet at times Jesus even overrules the Mosaic law, which is a more serious challenge still to the sacred tenets of Jewish religion. The dispute about clean and unclean ends in Christ's declaration that nothing which goes from outside into man's stomach can defile him. And Mark comments: "Thus he declared all foods clean" (Mk 7:14-23). This supersedes the legislation about ritually clean foods, which has its roots in the Mosaic law itself (cf. Lev 11). In Mt 5:38f Jesus abrogates the OT "ius talionis", i.e. the retribution of measure for measure (cf. Ex 21:23-25 par). And in Mk 10:2-12 par he revokes the permission of divorce, granted by Moses, because it is against the original will of God and therefore ultimately a work of men as well.

From all this it is clear that Jesus rejects unnecessary burdens imposed by the ceremonial law and is determined to safeguard the superior claims of God's will against any human legislation. On the one hand, more is demanded from man than the mere observance of the letter of the law. "Jesus refused to regard man's relationship

to God as a relationship in law. Man is obligated not merely to the extent of the written law. He is fully constrained, and he cannot excuse himself before God on the grounds that he has observed the written law and is in all other respects free. That is the sense of the antitheses in the Sermon on the Mount"¹⁾ (cf. Mt 5:21-48). On the other hand, ceremonial and civil laws have to take second place to the will of God (or to the moral law at that) and lose their binding force if they contradict it. Therefore Christ gives high praise to the scribe who assents to the principal commandment of love and who himself observes that it is more important than all "burnt offerings and sacrifices" (Mk 12:33f).²⁾

Ultimately Christ's morality is the consequent continuation of the OT ethics of unreserved obedience towards God. It does not stand in opposition to this ethics but rather purifies and completes it. For Christ the single most important criterion of moral conduct is that God's holy will be done, and that it be done without evasions and reservations. This is his greatest concern.

B. The moral teaching of the early Church

The proclamation of the good news of Christ by the early Christian missionaries led to the formation of the early Church. Soon the new communities found themselves confronted with questions and problems for which the answers were not always contained in the Gospels. The letters of the apostles try to respond to this need. The basis for their answers are to be found in some fundamental convictions about man's calling by God and his sanctification by grace. These convictions furnish the criteria for the formation and selection of the moral norms; criteria which are of basic and lasting importance for Christian morality. As to the concrete precepts put forward in the early Christian writings, however, they are essentially conditioned by the needs of the early communities. They are summoned forth by these needs and also limited by them.

1. The new life in Christ as foundation of the moral demand

Moral instructions constitute an integral part of all the early

¹⁾ Karl Hermann Schelkle, *Theology of the New Testament*, vol. III: *Morality* (Collegeville, Minn.: Liturgical Press, 1973), 33.

²⁾ Actually the Old Testament legislation, so far as it consists of cultic and ritual prescriptions, has been lifted off its hinges by Jesus." The same does not apply to the moral prescripts (Rudolf Bultmann, *Theology of the New Testament*, vol. I. London: SCM Press, 1959, 17). There is no example that Jesus declared the moral commandments of the OT as superfluous in favour of a pure morality of love.

Christian writings (i.e., the letters of the apostles, the Gospel of John, and the book of Revelation). They present Christianity as an ethical religion in which ethics are directly related to a certain set of religious convictions about God, man, and the world. Christians, being reconciled with God through Christ, are born to a new life, members of his body, sanctified by the Spirit, and children of God.¹⁾ This new life in Christ is the root and foundation of Christian ethics. Since Christians are a new creation, they then must also live a new life in righteousness, put off the old man, walk by the Spirit, and love the Father and each other.²⁾

This approach to the moral demand seems to differ considerably from the OT covenant ethics. There God and man are regarded as partners of a mutual alliance with mutual rights and obligations. The commandments of God constitute man's obligations in this alliance. They are set up by God and result from his will. It also seems to differ from Christ's ethics of the kingdom, where Christians are considered as citizens of God's reign. As such they are under the authority of God and must obey his will. Also here the moral obligations have their origin in decrees of the divine will. By contrast, the moral teaching of the early Church views the moral imperatives primarily as consequences resulting from the new being and life in Christ. This approach rather seems to be guided by the principle "action follows being". Man's sanctification by the Holy Spirit and his new life as a child of God appear as the immediate source of the moral obligation.

Nevertheless the relation to the personal will of God is not missing in this approach. Through the grace of the Holy Spirit, a person becomes a child of God. Through the saving work of Christ, a person becomes a member of his body. No longer is the Christian under the sway of the evil powers. As a child of God, he places himself under the will of the heavenly Father. As a member of Christ's body, he is subject to him who is the head. Man's new life at the same time consists in his birth as a child of God which imparts to him a new existence, and in his submission to the Father's will which places him in a new relation to God.

It is a most important feature of the catechesis of the early Church that it always places the moral instruction in the context of

¹⁾ These theological assertions constitute the so-called *indicatives* of the NT letters; they state who redeemed man is in the sight of God. They are paralleled by the NT *imperatives*, which tell Christians of their moral obligations as children of God.

²⁾ Cf. Rom 6; 8:11-13; 1 Cor 5:7f; 6:15-20; 12:12-27; Gal 5:25; Eph 4:1-4; 5:8; Col 3:1-10; 1 Pet 1:23-2:2; 2:9-12; 1 Jn 3:1f; 5:1-3.

the proclamation of the good news about the salvific work and life of Jesus Christ and the reflection on its significance for mankind. The moral instructions are always related back to the message about the kingdom, the Christian's new existence in Christ, and the new relationship between God and men which this implies. This order of approach, first the proclamation of God's salvific action on behalf of man, then the instructions in morals, is thoroughly characteristic of the kerygma of the early Church. This sequence is a necessary one, since the moral obligation for the Christian finds its decisive source and criterion in the needs of the kingdom of God and in man's new life as a child of God in Christ.

2. Form and main content of early Christian ethics

If Christians are exhorted to put on Christ, then this implies that they have to "cast off the works of darkness and put on the armour of light" (Rom 13:12). With the old man correspond old, i.e. evil deeds, and with the new man new, i.e. good deeds; and they have to be cast off and put on together.¹⁾ The New Testament does not hesitate to specify these evil and good deeds. By no means do the apostles, and least of all Paul, refrain from enjoining concrete commandments alongside the general demand of undivided obedience and fraternal love. Paul "speaks without scruple and shyness of a plurality of precepts, orders, ways and traditions."²⁾ He hardly ever contents himself with general moral exhortations, but immediately strives to become concrete.

The concrete, practical nature of the moral precepts is a first characteristic of the moral teaching of the early Church. Apart from the writings of John, which are less specific in their moral demands, the letters of the apostles are severely practical and commonsense in their ethical directives. They do not remain in the sphere of generalities, leaving the further applications of the universal commandment of love to the mature conscience of their Christians, and just adding some illustrations of how to do it. Quite on the contrary, they formulate very concrete and diverse precepts, which they want to be observed by their believers. Paul in

¹⁾ "Also the Christian is still combat sector (Gal 5;17) and called to fight. If the combat can now, because of baptism, be fought in the sign of the victory already gained by Christ, so is it as such nevertheless still going on, and has even been intensified. Since baptism there is a *posse non peccare* (Rom 6:6), the *non posse peccare* however is an illusion (1 Cor 10:1ff etc.)" (Wolfgang Schrage, *Die konkreten Einzelgebote in der paulinischen Paränese*. Gütersloher Verlagshaus Gerd Mohn, 1961, 31).

²⁾ W. Schrage, l. c. 59.

particular shows a pastoral concern "to be *concrete* and *relevant*. He is not willing to leave the identification of specially 'good' and 'evil' deeds to the Christian's own imagination or intuition."¹) But it holds also of the other apostles.

Secondly, the ethical exhortations do not try to be original. Rather they assimilate much traditional material, although in this process they also significantly transform it. Without misgivings they appeal to traditions, Christian and non-Christian, biblical and non-biblical alike. They formulate their moral instructions on the basis of the teachings of Christ, but also call upon ecclesiastical traditions (1 Cor 11:2.16; 15:3-11; 2 Thess 2:15; 3:6) and scriptural passages from the Old Testament (Rom 4:23f; 13:9; 1 Cor 9:8-10; 10:6-11; 2 Cor 6:16-18; Gal 3:6-9). They make use of Hellenistic thought and common ethical wisdom, as exemplified in the catalogues of virtues and vices (e.g. Rom 1:29-31; 1 Cor 6:9f; Gal 5:19-22) and in the domestic rules (Eph 5:22-6:9; Col 3:18-4:1; 1 Pet 2:18-3:7). But the adoption of the non-Christian teachings does by no means take place in an indiscriminate way. It is obviously carried out in a selective manner. The criterion of the selection is the needs of the kingdom of God, the new life in Christ, and the up-building of his body. Also the discernment of the Church community has an important role to play. The believer is never pictured as confronting alone the bewildering complexity of moral options. The communal context helps him to know what he ought and ought not to do.²)

Thirdly, a downright peremptory tone is characteristic of the presentation of the ethical demands. The letters of the apostles entreat and counsel, exhort and admonish; but they likewise demand and threaten, warn and reprimand, command and punish. This is especially true of Paul. "He neither argues nor offers tactful advice. He gives 'orders'; the term which he employs is the term used for army orders. This may come as something of a shock to those who have been accustomed to think of Paul as the apostle of liberty"³) (cf. 1 Cor 7:10f; 9:14; 14:37f; 1 Thess 4:1-8; 2 Thess 3:6.10-12). A rejection of his directives is not even seriously contemplated by him. Clearly and decidedly he recapitulates: "If any

1) Victor Paul Furnish, *Theology and Ethics in Paul* (Nashville and New York: Abingdon Press, 1968), 72.

2) Cf. V. P. Furnish, l. c. 233.

3) C. H. Dodd, *Gospel and Law* (Cambridge: University Press, 1965), 13f.

one does not recognize this, he is not recognized", and that means: not elected but rejected.¹⁾

As to content, the moral teaching of the early Church mainly develops the following themes:

The convert is enjoined to lay aside certain discreditable kinds of conduct, especially some which were common and easily condoned in pagan society, such as unchastity and debauchery. He is directed to abandon these vices and to be prepared for a total reorientation of moral standards in a Christian sense. Parallel to the vices, some typical virtues of the new way of life are set forth, with special emphasis upon such virtues as purity and sobriety, gentleness and humility, generosity and hospitality, patience under injuries, and readiness to forgive (Gal 5:19-23; Col 3:5-17; 1 Pet 4:3-10). This is meant by the exhortation "to put off the old man and to put on the new."

Then various social relationships are reviewed, in particular those which constitute the family as the primary form of community; the relations of husband and wife, parents and children, master and servants (Eph 5:21-6:9; Col 3:18-4:1; 1 Pet 2:18; 3:1-7). Marriage is an honourable state of life and to be kept sacred, but virginity is placed besides it and recommended as an alternative vocation for the Christian (1 Cor 7).

The wider family of the Christian community comes into view. The Christian believer is enjoined to respect the leaders or elders of the society and taught that each member has his own special function in the body, for which he is responsible (Rom 12:3-8; Tit 2:2-10; Heb 13:17; 1 Pet 5:1-5).

Looking farther afield, he is given some counsel about behaviour to his pagan neighbours in the delicate situation in which the members of an unpopular sect were likely to find themselves. He must be prudent, nonprovocative, seeking peace, never flouting the social or moral standards of those among whom he lives, while using any opportunity of doing a kindness to them, even if they had not been friendly to him (1 Cor 10:32f; Col 4:5f; 1 Pet 2:12).

Like other subjects of the empire, he is told that he owes obedience to the constituted authorities and should make it a matter of conscience to keep the law and pay his taxes. But there are limits beyond which a higher allegiance claims him: he must be loyal at all cost to his faith, and prepared to endure persecution with

¹⁾ "That obedience finds its limits in the personal discernment of the individual pneumatic believer has accordingly not been said by Paul, in spite of the discernment and scrutiny demanded by him" (W. Schrage, l. c. 115).

inflexible determination and fortitude (Rom 13:1-7; 1 Pet 2:13-17).

Finally he is reminded of the extremely critical time in which he lives, which calls for constant watchfulness and lays upon him the most solemn responsibilities (Rom 13:11-14; Eph 6:10-18; 1 Pet 5:6-11).

Such is the general scheme which, with large variation of detail, reappears persistently in the writings of the apostles. One may justly conclude that it was part of the common and primitive tradition of the Church.

3. Love in the fellowship of Christ as the supreme norm

Not only in the synoptics but also in Paul, the Johannine literature and Peter the rule of love is presented as the great commandment which comprises all the others. Love is more excellent than the various spiritual gifts (1 Cor 12:31). It is the greatest among the virtues (1 Cor 13:13). The varied array of Christian virtues is bound together in perfect harmony by love (Col 3:14). The entire law is summed up by it (Rom 13:8-10; Gal 5:14). Love is the new commandment of Christ which he leaves to his disciples as his last will (Jn 13:34f) and which unites a person with God (1 Jn 4:16). Therefore it can be called "the royal law" (Jas 2:8).

The entirety of Jesus' own mission is seen as the most perfect realization of the commandment of love. In Jesus' radical obedience until death, the nature and full purpose of Christian love is revealed (Rom 5:6-20; Gal 2:20, Jn 10:11-15; 15:12f). Love means caring for the other, willing his good in a totally unselfish way and promoting it even at the cost of one's life. Love does not seek its own way (1 Cor 13:5) but looks to the interest of the other (1 Cor 10:24.33; Phil 2:4). It does not please itself but serves the Lord and the brethren (1 Cor 9:19-23; Gal 5:14).

The criterion of love is for Paul and for John not love of self but love of Christ. True, Paul twice quotes Lev 19:18 "You shall love your neighbour as yourself" (Rom 13:9; Gal 5:14). But these are the words of the Old Testament and not his own. Repeatedly Paul gives the example of Christ as the motive for unselfish love and self-forgetful service (Rom 15:1-3; Eph 5:2; Phil 2:4-8; Col 3:12f).

In a most explicit way this criterion is found in the writings of John. In the farewell discourse of John's Gospel, Christ charges the disciples: "A new commandment I give to you, that you love one another; even as I have loved you, that you also love one another" (Jn 13:34; cf. 1 Jn 2:7f). Love of self, which is the standard of brotherly love in the synoptics, is replaced by the self-

sacrificing love of Christ. "Love one another as I have loved you" (Jn 15:12). This constitutes a most important modification, which imparts to the Christian commandment of love its distinguishing mark.

The general obligation to fraternal love and even to love of enemies can also be found in the teachings of pagan philosophers and other religions. Nevertheless the love command of the New Testament can rightly be called a "new" one, because the measure of love is no longer love of oneself but Christ's own love. He has given the example of this love by his entire life of dedication to God and fellowmen. He symbolized it in the washing of his disciples' feet at the last supper, where he expressly intended to give them "an example", that they also should do as he had done to them (Jn 13:1-17). He brought this love to completion in his sacrifice on the cross, where he laid down his life for his friends (Jn 3:16; 15:13).

Christ's commandment of love is new also for another reason. Love is no longer a mere law, but is a new reality, rooted in a new communion with the divine love. "As the Father has loved me, so have I loved you; abide in my love. If you keep my commandments, you will abide in my love" (Jn 15:9f; cf. 15:1-10; 14:23; 1 Jn 4:16). The disciple's union with Christ is the source which enables him to conquer the darkness of egotism and hatred and to produce the fruits of love (cf. also Rom 5,5).

The supremacy of love over the other commandments must furthermore not be misunderstood in such a way as if it makes them superfluous and nullifies them. The comments, "You shall not commit adultery, You shall not kill, You shall not steal, You shall not covet," and any other commandment are, according to Paul, summed up in the sentence, "You shall love your neighbour as yourself" (Rom 13:9). They are summed up but not replaced by it (cf. 1 Cor 7:19). The particular commandments serve to specify the general rule of love. They formulate in detail which actions are against or in harmony with it (1 Cor 13:4-7). "With the love command the greatest is said (cf. 1 Cor 13:13) but not 'everything'. Above it there is nothing, but surely besides and below it. It is the supreme but not the only norm, the highest but not the only criterion, the noblest but not the sole commandment for the conduct of the Christian."¹⁾

¹⁾ W. Schrage, l. c. 271.

4. *The controversy on the further validity of the law*

Especially in the Churches of the Reformation, there has been a strong bent against any understanding of Christianity as a new law. Through the centuries, therefore, Protestant theologians were generally reluctant to develop a Christian moral theology and looked upon such attempts with distrust.

In their attitude Protestants largely based themselves upon certain passages of the Pauline epistles. In one place Paul states roundly that "Christ is the end of the law for all who have faith" (Rom 10:4) and that Christians "are not under law but under grace" (Rom 6:14). They are emancipated from the law like children who have come of age (Gal 3:23-26). He speaks disparagingly of "works of the law" in contrast to faith, through which alone we are justified. Protestant theologians take the view that in such passages as the ones quoted "Paul is stating the true basis of Christianity, and that other New Testament writers, the evangelist Matthew in particular, represent a descent of the Church into a new legalism."¹⁾

Paul indeed regards the law as useless for Christians and even an impediment for their salvation. But it is important to note that whenever Paul, being a Jew, speaks of *the law* or of law in general, without any further explicit or implicit qualification, he means the Mosaic law.²⁾ This is the law he decidedly opposes and rejects as an authority for Christians.

In order to understand Paul's determined dissociation from the Mosaic law, it must be remembered that he is one of the earliest missionaries and the earliest writer of the New Testament. Many of the converts then were Jewish Christians who still felt obliged by the Mosaic law. After all they, as well as Paul himself, considered it as a law given by God himself to his people. This conviction is reflected when Paul grants that the law in itself is holy and good (Rom 7:7.12-16). But on the other hand Christ had set limits to the authority of the law. And Paul clearly perceived its insufficiency. Once himself a zealot for the law, he had felt the burden of all its ceremonial and liturgical prescriptions, which in the course of the

¹⁾ C. H. Dodd, l. c. 65f.

²⁾ "Except for a few passages where *nomos* is qualified either explicitly (Rom 3:27, 'law of faith'; 8:2, 'law of the Spirit'; 8:7, 'law of God'; Gal 6:2, 'law of Christ') or by the context (playing on the idea of *nomos*, Rom 2:14b; 7:2-3, 21-25), *ho nomos* or simply *nomos* otherwise always means for Paul the Mosaic Law" (Joseph A Fitzmyer, "Pauline Theology", in *The Jerome Biblical Commentary*, vol. II, 1968, 819).

centuries had not seldom been left without deeper purpose and in many situations simply could not be fulfilled. This results in his conviction that the observance of the law was not the means to give life and to justify a man before God.

But on what grounds could it be possible to set aside a law which had been given by God? This was the great difficulty for the early Jewish Christians, including Paul himself. He answered it by the explanation that the law had only a temporary function in preparation for the coming of Christ, which it lost with his arrival (Gal 3:23-26). Its purpose was to give men the "knowledge of sin" (Rom 3:20) and "to increase the trespass" (Rom 5:20; Gal 3:19), but it did not give the strength to conquer sin. Consequently justification through the law was an impossible attempt, and only the way of faith in Jesus Christ was available (Rom 3:20f.28; Gal 2:16). And so, for the faithful and redeemed, Christ really is "the end of the law" (Rom 10:4; cf. Gal 3:24f).

Whatever the ultimate thrust of the theoretical reasons¹⁾, Paul's practice was guided by the absolutely firm conviction that the Mosaic law could and should not bind Christians any more. The Christian missionaries could simply not expect their pagan converts to accept the Mosaic law together with faith in Christ. Such a demand would have gravely handicapped the effective propagation of the faith and even made it impossible. With all his might, therefore, Paul fought for the freedom of the Christian believer from the law.

In order to ensure this freedom, he went with Barnabas to Jerusalem to submit the issue to the apostles and disciples for an official decision. In their common gathering, which can be considered the first council of the Church, the leaders of the young Church approved and ratified Paul's practice (Acts 15; Gal 2:1-10). Peter expressed the mind of the assembly in the well-put question: "Why do you make trial of God by putting a yoke upon the neck of the disciples which neither our fathers nor we have been able to bear?" (Acts 15:10; cf. 10:9-48). The council therefore decided not to trouble the converts from the Gentiles with the observance of the

¹⁾ Paul's reasoning does not answer one difficulty clearly. Why should the Mosaic law, if it was entirely right, good and holy, lose its force precisely at a moment when men had gained the strength to observe it through the grace of Christ? If there was a compelling reason to set this law aside, was it not after all because it was an imperfect law and in many regards outpaced by the newer times and conditions? The fact that Christ himself had modified and transcended the law was proof of its imperfection. Perhaps Paul's great reverence for the Mosaic law as an ordinance of God prevented him from drawing this conclusion and describing it as less than good and as imperfect.

old law, and this settled the matter to the great blessing of the young Church.

Yet already at the time of Paul an interpretation of Christian freedom had crept in which constituted another extreme and misunderstood the freedom in a libertinistic way. "All things are lawful for me", its partisans argued, and on this grounds they felt justified not only to eat all foods but also to enjoy relations with prostitutes. Paul unmistakably dissociates himself from such an understanding of Christian liberty. "All things are lawful", he resumes, "but not all things are helpful" (1 Cor 6:12; 10:23). Christians must shun immorality because they are temples of the Holy Spirit; they are not entitled to do what they like, but must attend to God's claim over them and glorify him also in their bodies (1 Cor 6:12-20).

If Christians are no longer subject to the Mosaic law, this does not mean that they are "without law toward God" (1 Cor 9:21). They are still bound by the duty of "keeping the commandments of God" (1 Cor 7:19). They too have a law, which is the "law of Christ" (1 Cor 9:21; Gal 6:2). Paul correctly realized that there were requirements of the law which were of lasting validity, while others did not have this value and were for the Christian useless. However he was not in the fortunate position of possessing the later, scholarly terminology, distinguishing between moral or natural laws on the one hand and positive legislations of cultic and civil laws on the other. But the difference itself was perceived by him and in some of his formulations he comes quite close to those distinctions.

The cultic and ritual prescriptions of the OT law do not bind the Christian any more at all (Rom 14:5f.14; 1 Cor 7:19; Gal 2:11-21; 4:10f; 5:2-6; Col 2:16f). But there is a law written on men's hearts which they know by nature and which contains whatever is valid in the Mosaic law; all men must live according to this universal law and are judged by it (Rom 2:12-16). This is the "law of God" which is set against the things of the flesh; it contains the "just requirement of the law" and continues to bind Christians (Rom 8:4-8). It coincides with the "law of Christ".

The will of God, however, to which obedience is due, reveals itself by no means only in purely inward inspirations. It finds expression in very concrete precepts and commandments, which Christians are expected to fulfil. Such obligations are gathered in the lists of vices and virtues. They are the ten commandments, which remain valid also for Christians (Rom 13:8-10). They are formulated in a number of precepts which are presented as strict obligations for every believer (1 Cor 7:10f; 9:14; 14:37; 2 Thess

3:6.10-12). Paul even excommunicated members of the community who lived in ways which contradicted the law of the Lord (1 Cor 5; 1 Tim 1:20). All the topics of the moral teaching of the early Church, which were outlined earlier, can be collected from Paul's writings and verified in them. In summary then, the Mosaic law as the way of salvation is rejected, but the precepts of the moral law continue to exist as standards for Christians.

The other writings of the New Testament, apart from Paul and the synoptics, do not enter into discussions about the further validity of the Mosaic law. The issue had been settled by the time of their composition. The pastoral letters approve of the law as good, but it is the moral law (1 Tim 1:8-11). For John the controversy about the Mosaic law is an outdated question.¹⁾ What matters is that Christians keep the commandments (Jn 14:15.21; 15:10; 1 Jn 2:3f; 3:24; 5:2). which is the same as keeping Christ's word (Jn 8:51; 14:23; 17:8). This includes above all loyalty to the faith, imitation of Christ, and the love of God and neighbour.

¹⁾ Cf. Rudolf Bultmann, *Theology of the New Testament*, vol. II (London: SCM Press, 1967), 5; likewise Maurice Goguel, *L'Eglise Primitive* (Paris: Payot, 1947), 493.

Chapter III

PRINCIPAL MOTIVES OF NEW TESTAMENT ETHICS

Motives determine the essential meaning and final purpose of an action. They influence the moral quality of an act decisively. The reason is that they are closely related to the ultimate purpose of human existence as a whole. Any ethics therefore is determined and characterized by the motives it offers to its adherents. Also Christian ethics receives its specific character above all from the motives proper to it. They shall be outlined in the following.

A. Motive of reward and punishment

In various Christian quarters, the motive of reward and punishment is met with great distrust and even outright rejection. Contrary evidence from the NT writings is often passed over in uncomfortable silence. Nevertheless there is an overwhelming amount of material in all parts of the New Testament showing the use of this motive by Christ and the early Church.

1. *The textual evidence*

As for *Jesus*, the idea of judgement can simply not be excised from his preaching. Any attempt to represent his teaching as only concerned with the highest of motives, that is, the doing of good for its own sake or for God's sake, simply does not correspond with the facts. Indeed, "it is very difficult to trace this motive among those he mentions...In this respect too Jesus was not so much a theoretical thinker as a practical teacher and educator. Realistically, he accepts man with all his striving and desires,...seeking to catch the interest of his hearers as they were, with all their narrowness and poverty, and yet all their openheartedness and yearning for God."¹⁾

A severe and terrible judgement awaits anyone who refuses to repent and believe and who despises the salvation proffered by God (Mt 11:20-24 par; 12:41f par). Unwillingness to forgive his

¹⁾ Rudolf Schnackenburg, *The Moral Teaching of the New Testament* (London: Burns and Oates, 1967), 145.

debtor seals the fate of the unmerciful servant in the parable of Matthew 18:23-35. In Matthew 25:31-46 Jesus draws an original picture of the judgement, the decisive factor in it being the accomplishment or omission of acts of charity. The son of man will render to every man according to his works (Mt 16:27). While the lazy servant is thrown into the outer darkness, the diligent servant is rewarded with the gladsome invitation: "Well done, good and faithful servant; you have been faithful over a little, I will set you over much; enter into the joy of your master" (Mt 25:21). When Jesus' disciples remind him that they have left everything to follow him, he sets before them the prospect of a superabundant reward (Mk 10:28-30 par). Jesus did not expect or demand that in loving God a man must be totally forgetful of his own happiness.

The reward given by God exceeds all measure (Mt 25:21.23; Lk 6:38), but so does the punishment he imposes (Mt 25:30; Lk 12:46). Incomprehensible for human understanding is the everlasting torment of the fire of hell for the damned (Mk 9:43-48 par; Mt 25:41.46). Jesus sets men before the face of God, whose standards are entirely different from those of human beings. One must however also take into account that Jesus often uses a figurative and hyperbolic language. Figures of speech like "fire of hell", "the worm which does not die", or "the outer darkness" are not meant to be taken in a literal sense, but serve as illustrations of a deeper reality underlying them.

The motive of retribution has a place in Jesus' teaching. But it is of great importance to assess rightly the kind of reward which he judges worthy of men's efforts and the punishment they should fear. Flatly and with indignation he refuses the striving after such rewards as the honour and praise of men. Anyone giving alms, fasting and praying only "before men", to be seen and praised by them, "has his reward". Therefore, "beware of practising your piety before men in order to be seen by them; for then you will have no reward from your Father who is in heaven" (Mt 6:1-6.16-18). True piety and righteousness should do their works for that reward which is offered by God.

What then is the nature of the reward promised by Christ? In the preaching of Jesus it is almost always the sharing in the kingdom of God or one of its blessings, such as eternal life, divine consolation, mercy and sonship (cf. Mt 5:3-12). The same holds of the punishment, which essentially consists in the exclusion from the kingdom. In other words, the reward promised by Jesus and the punishment menaced are essentially eschatological. This motive is therefore most closely related to the following motive of sharing in

God's kingdom and is ultimately one with it.

Only a few texts speak of temporal retribution. The only text which expressly refers to temporal reward is Mark 10:30 par. There Jesus promises his disciples a hundredfold recompense "in this world" and in the world to come everlasting life. In the understanding of the early Church, the manifold indemnity paid in this world refers to the spiritual family of the Christian community, which also shows concern for the material needs of the poor in its midst (cf. Acts 6:1-3). Conversely, temporal disasters are occasionally interpreted and threatened as divine punishments, especially the destruction of Jerusalem (Lk 13:1-5; 13:34f; 19:41-44).

The teaching of the *early Church* likewise contains a great amount of references to a final judgement according to the good or evil a person has done. "We must all appear before the judgement seat of Christ, so that each one may receive good or evil, according to what he has done in the body" (2 Cor 5:10; cf. Rom 2:6-11; Gal 6:7f; Col 3:23-25; Jn 5:29; Rev 20:12-15; etc.) Time and again the Christian communities are warned that evildoers will not inherit the kingdom of God (1 Cor 6:9f; Gal 5:19-21; Eph 5:5).

Again, there are only a few references to retributions of a temporal nature. Paul attributes sicknesses and early death in the community of Corinth to the unworthy participation in the bread and cup of the Lord (1 Cor 11:30). Avarice plunges a man into many hurtful desires and destruction (1 Tim 6:9f). The letters to the seven Churches of Asia Minor threaten the visitations of the Lord to these Churches if they do not repent (Rev 2:5, 16, 21-23; 3:3, 15f, 19). For the rest, the nature of retribution is presented as eschatological: eternal life or eternal death. The reward appears as glory, honour and immortality (Rom 2:6f), peace (Rom 2:10), joy (1 Pet 4:13) and entry into the eternal kingdom of the Lord (2 Pet 1:11), while punishment is represented as death (Rom 1:32; 6:21-23; Jas 1:15; Rev 20:14), ruin and destruction (Phil 1:28; 1 Thess 5:3; Heb 10:39; 2 Pet 2:1) and exclusion from the kingdom.

Ultimately then the New Testament does not recognize a reward apart from the community with God and his saints. "When man makes this 'reward' the motive of his deeds, and fears to be punished by being separated from God, he is acting very religiously."¹ He gives priority to the fellowship with God over all other values. At the same time he bears witness to the absolute sovereignty of God, who can claim man's unconditional faith and

¹ Wilhelm Pesch, "Retribution", *Encyclopedia of Biblical Theology*, vol. II, 1970, 769.

unreserved obedience to any precepts which are expressive of his will.

2. Ancient Jewish and Christ's teaching on reward

The doctrine on the reward for good works also played a great role in the teaching of the Pharisees and scribes of Jesus' time. But there are fundamental differences between their teaching and that of Jesus. Jewish mentality was inclined to reckon up the merits of the good works against the debts of the bad works and then claim a reward. Christ rejected such claims, and this above all because of a subtle but all the more dangerous error in this conception. The good works meriting a reward according to the scribes and Pharisees were to a large degree mere human inventions e.g. precepts of ritual cleanness or external good works performed without concern for the real demand of the situation (e.g. fasting). Men cannot prescribe to God which works are good and therefore merit a reward. It is not at man's but at God's discretion to decide which are the good works to be done and therefore to be rewarded. God does not have to conform himself to the opinions of men, but vice versa: men have to discern God's will concerning good and evil, and to conform themselves to this claim.

Still other differences in the approach to reward can be noticed. Although there is a necessary relation between good work and reward, the measure of the reward is up to God (cf. Mt 20:1-16). Jewish as well as human judgement in general expects equal reward for equal works. But God gauges the good work not primarily according to external achievement and material amount, but according to criteria of his own (cf. Mk 12:41-44 par). Christ categorically reserves the measure of reward to God's munificence, which does not let itself be bound by human canons of equality and just recompense.

Furthermore it seems that the Pharisees and scribes of Jesus' time contented themselves too much with the external work to the neglect of inner motivation. This indeed is a temptation to which people frequently succumb. Jesus is not satisfied with the kind of alms-giving, prayer, fasting, and other good works, which the "hypocrites" practised, who put their good works on display before God and men (Mt 6:1-18; Lk 18:9-14). The externally good work does not automatically give a right to reward from God, independent of the inner motivation. On the contrary, more important is the inner spirit of justice, love and mercy (Mt 23:23 par). Christ

therefore gives priority to the inner motivation over against the work.¹⁾

The expectation of temporal blessings may have had much influence in the Jewish teaching on reward. Christ on the other hand unequivocally emphasises the spiritual, transcendental character of retribution. Finally, man can never demand reward from God but only humbly hope for it.

B. Eschatological motive of sharing in God's kingdom

One of the most distinctive characteristics of New Testament religious thought is its eschatology, i.e. such themes as the transitoriness of the world, the last judgement, the coming of God's kingdom, the new heaven and the new earth. Because the world is passing, men must not allow themselves to be attached to earthly goods by any final bond. God's will alone and the community with him is the absolute purpose of human existence. The eschatological belief pervades most of the New Testament in one way or another, and its influence on ethical ideas has been considerable.

The background of this belief lies in Jewish theology, which adopted the interpretation of history put forward by the prophets of ancient Israel. For them history is a movement towards a goal, directed by a purpose. This goal is the messianic reign, which will be governed by the messianic king in justice, integrity and peace. It will bring upon men judgement and salvation and unite all nations in the worship of the one, true God.

For the NT writers, this final event has happened in Christ. He is the Messiah, whose coming inaugurated the kingdom of God foretold from of old. Nevertheless the conclusive and perfect revelation of this kingdom is still pending (and it did not come so soon as some of the early Christians had hoped). The result is a certain tension in the language of the NT authors: the kingdom of God has come; it will come; Christ has come; Christ will come. This tension is the driving force of the eschatological expectation and motive.

Underlying the biblical eschatology is a linear interpretation of history. This interpretation essentially differs from Hellenistic thought and that of other great religions, such as Hinduism and Buddhism. For them history is mainly held to move in preordained cycles. By contrast, in Jewish-Christian thought the movement of

¹⁾ Nevertheless it would be incorrect to represent Judaism as being entirely indifferent to the correct, inner motivation of an action. A principal motive, to which special value is attached, is the doing of God's commandments just because they are his commandments and with a view to pleasing him.

history is an ascending evolution towards a superior goal, which is the purpose of God. In the New Testament the successive stages of this movement are: creation of the visible and invisible things; man's fall into sin; election of Israel; inauguration of God's kingdom by Christ; gathering of the nations in the Church as the sacrament of salvation; consummation of the world and transformation of creation to a new heaven and a new earth.

1. Motive of the kingdom in Christ's teaching

The principal subject of Jesus' preaching, the reign of God and its advent, also provides the most powerful of motives. Characteristically this basic theme is already struck in the pregnant summary of the first chapter of Mark: "The time is fulfilled, and the kingdom of God is at hand" (Mk 1:15). With these prophetic words Christ motivates the immediately succeeding request: "repent and believe the gospel."

The Beatitudes in Matthew 5:2-10 show with particular distinctness that participation in the kingdom of God was to Jesus the chief and most important of the promises. The first and last Beatitudes both say, "theirs is the kingdom". The intermediate Beatitudes depict the saving promises under various images, all of which however are descriptive of the eschatological blessings.

The main purpose of Jesus' great eschatological discourse (Mk 13 par) is to exhort his disciples to full exertion of their powers in the service of the Lord. Several times he bids them to "be ready" (Mt 24:44), to "take heed" (Mk 13:5.9.23.32) and to "watch" (Mk 13:33.35.37). For not all will be admitted to the kingdom of God, but only those who are found worthy of it because of the love they have shown for their less fortunate brethren (Mt 25:31-46).

Matthew's parable of the wise and foolish virgins urges all to be ready for what is to come, so that they may be admitted to God's great banquet (Mt 25:1-12). In this parable, like in the others describing the reign of God under the image of a banquet or marriage feast (Mt 22:1-14 par; Lk 12:37; 13:28f), the motive for preparedness is the promise and hope of participation in the kingdom of God.

Jesus also gives expression to the summons implied by the preaching of the reign of God in other ways. "Seek first the kingdom and his righteousness, and all these things shall be yours as well" (Mt 6:33 par). Like a man who finds a hidden treasure in a field, or a merchant who finds an extremely precious pearl,

everyone must be prepared to forego everything else so as to possess this treasure (Mt 13:44-46).

Sometimes Jesus does explicitly give as a motive "for the sake of the kingdom of God" (or something corresponding to it like "for the sake of the gospel" or "for Jesus' sake"). One example is when talking about the renunciation of matrimony (Mt 19:12); another when addressing himself to those who abandon the good things of this earth to follow him (Lk 18:28-30 par; cf. Mk 8:35). But he promises the kingdom also to everyone who gives to his disciples even as little as a drink of water in his name (Mk 9:41 par).

The kingdom of God constitutes the principal reward promised by Jesus to those who accept his message. Yet this reward, it must be noted, is of a very comprehensive nature. The blessings of the kingdom are never only private possessions of individuals. "We can only regret the fact that this motive of eschatological sharing in God's perfect reign has faded nowadays to 'getting to heaven', for the result is the mutilation of the great cosmic vision, in favour of the personal bliss of every individual after death."¹) The kingdom of God consists above all in the community of God's people. Its blessings are justice and love, joy and peace; they never remain mere individual rewards but always and necessarily turn into graces and benefits for the whole body of Christ.

2. Motive of the parousia hope in the apostolic teaching

The early Church is characterised by an intensely eschatological mood. The theme of the kingdom of God, as developed by Jesus, is not lacking (Acts 14:22; 28:23; Rom 14:17; 1 Cor 15:24-28; 2 Thess 1:5; Rev 11:15). But of special force is the parousia hope, i.e. the expectation of the second coming of the Lord to the final judgement and the consummation of all things in his eternal reign.

In the Pauline epistles the expectation of the parousia is a strong motive influencing his admonitions for the present world with its troubles. In the earliest epistles Paul seriously seems to have counted on the imminent coming of the Lord, still during his lifetime. The idea that the parousia is not far away gives added force to his counsel to use the things of this world with reservation, because they lose their importance in the light of an imminent end of history. Therefore those who deal with the world should live "as though they had no dealings with it. For the form of this world is passing away" (1 Cor 7:29-31).

¹) R. Schnackenburg, l. c. 148.

But Paul energetically opposes erroneous conclusions based on immediate expectancy of the end, such as were made when in Thessalonica some members of the community were no longer willing to pursue their daily work in an orderly way (2 Thess 3:6-12).

When however the parousia was delayed, there is no trace that Paul felt any difficulty because of this. The expected imminence of the parousia is not an essential element in his doctrine. On the other hand the expectancy of the Lord's coming in itself remains an important moral motivation also under the changed circumstances: Continual vigilance and preparedness, sobriety and self-criticism, an honourable way of life without offence are required (Rom 13:11-14; 1 Cor 1:7f; 1 Thess 5:1-11; Tit 2:11-13). Christians must be on guard against the vices which exclude from the kingdom of God (1 Cor 6:9f; Gal 5:19-21; Eph 5:5). They should be "without blame" on the day of the Lord (1 Thess 3:13; 5:23; 1 Cor 1:8; Phil 1:10). With joyful readiness and free from moral offence they are to receive the Lord when he comes.

According to the first epistle of Peter, Christians should be spurred on to a sober, temperate way of life by the desire to be found worthy on the day of the revelation of Christ (1:13; 4:7-11). And James exhorts: "Be you therefore also patient and strengthen your hearts; for the coming of the Lord is at hand" (5:8).¹⁾

3. Implications for Christian morality

The eschatological hope has abiding implications for Christian morality. At times it is argued that the expectation of the near end of the world and the imminent return of Christ to the final judgement led to an "interim ethics". That means to say, the ethics of the NT is formulated only for the short interval until the return of Christ and valid only under the presupposition that the end will indeed come soon. If the presupposition proves to be erroneous, as in fact it did, the ethics based on it equally collapses and becomes untenable.

But a sober appreciation of the moral demands of the New Testament proves that they are by no means unrealistic and eccentric. On the contrary, they betray a very practical mind and

¹⁾ In the Johannine literature the eschatological motive is not much developed; perhaps only in John's first epistle 2:28. "Johannine Christianity lives more on its joyful awareness of having found salvation, of having already obtained true, indestructible life, and of being, through Jesus Christ, in the most intimate communion conceivable with God. It is well aware of the fact that this world is nevertheless dark, full of sin and dread of death. But with and in Jesus Christ, it has already overcome this world of death" (Schnackenburg, *The Moral Teaching of the New Testament*, 1967, 193).

common sense. From none of the NT authors "does one gain the impression that they were deducing an 'interim ethic' from the fact of the nearness of the parousia. Expectancy was alive, but it was neither all-consuming nor oppressive."¹⁾

The eschatological awareness of the early Church cannot be set aside as just a misguided, apocalyptic tendency. Early Christians rightly understood that the eschatological situation is an essential condition of human existence. The world is of a transitory character, and so is man's life. Whether the end of the world is near or far, the end of man's terrestrial existence is never very distant. Man is a pilgrim in this world. All of mankind is on pilgrimage towards the consummation of time. The goal is the full realization of the kingdom of God. But insofar as the kingdom has already been inaugurated here in this world and is supposed to grow on earth, it challenges man by an intrinsic dynamics to commit himself also to the betterment of this present world, and not only to wait and prepare for the world to come.

The kingdom of God and the final events are a permanent, urgent call to a holier life in perfect dedication to the Lord and to his reign. "From that there springs an eschatological attitude which does not push aside the final events that are to come, to the fringe of the believer's mind, but on the contrary views them, in prospect and as approaching, as a perpetual summons to vigilance and sobriety, to responsible action in the world, to combat and struggle against the destructive powers of evil and to living hope and joyful confidence...No Christian can escape responsibility for the course of history, for the future of the Church, for the salvation of the nations."²⁾

Christians are summoned to submit all things to the dominion of their Lord and to bring about the new creation in Christ. In this sense, a revival of the eschatological attitude of the early Church might well be called for.

C. Imitation of Christ

Among the motives of biblical ethics, the imitation of Christ and the grateful devotion to him as friend and saviour has at all times exercised the greatest influence upon the Christian believer. "When all allowance is made for varying interpretation, the imitation of Christ remains the heart of the Christian ethic."³⁾ The moral

¹⁾ R. Schnackenburg, l. c. 192.

²⁾ Ibid. 195.

³⁾ R.E.O. White, *Biblical Ethics* (Exeter: Paternoster Press; 1979), 109.

life of Christians is more radically measured by the person of Christ than by general laws and principles. In him they find the most perfect model of a life in the service of the kingdom, which royal service is also their vocation. However from the beginning it should be quite clear that the idea of imitating and following Christ is not primarily to be understood in the limited sense of external imitation, but rather as a sharing in Christ's life, destiny and spirit of love.

In the Gospels Christ at times exhorts his disciples to imitate God, the Father in heaven. In particular, love of enemies is motivated by God's example. Because God makes his sun rise over the good and the evil, men too are to love their enemies (Mt 5:44f; Lk 6:35). At the end of the exhortation, Christ even asks his disciples: "Be you therefore perfect, as also your heavenly Father is perfect" (Mt 5:48; Lk 6:36).

The counsel to imitate God however cannot easily be transposed into concrete life, since men do not readily know how to translate God's infinite perfection into canons of human behaviour. In this difficulty the New Testament offers help in the idea of the imitation and fellowship of Christ. In the person of Christ men are taught how God's goodness should be imitated in the concrete conditions of human life.

The synoptics above all develop the idea of *fellowship with Christ*, which however contains the idea of imitation. Christ's summons to follow him is originally addressed to a selected group of disciples only. They are called to render Christ active help in the proclamation of the kingdom. In order to be able to do this, they must be willing to leave the security of their homes, their possessions and families (Mt 8:19-22 par; 19:27-29 par).

Yet even those who are not called to fellowship in the narrower sense must have the internal detachment from all goods of this world and be ready to sacrifice them, if the service of God should demand it. In this sense the summons to fellowship extends to all the baptized. Anyone who wants to follow Christ must love him more than father or mother, wife or children, and even his own life (Mt 10:37f; Lk 14:26f). "If any man would come after me, let him deny himself and take up his cross and follow me" (Mt 16:24 par).¹⁾

The early Church regards fellowship with Christ as the way of

1) "What Jesus demands of his disciples is this: total renunciation of their own will, of honor, and of earthly happiness, in the painful-blessed companionship of wandering with Jesus on his way appointed to him by God" (R. Schnackenburg, *Christian Existence in the New Testament*, vol. I. University of Notre Dame Press, 1968, 109).

life for every believer. All believers are now called "disciples" (Acts 6-21). The apostle John develops the idea of discipleship in his own way. To follow Jesus means to walk in the light and be guided by him to the heavenly dwellings. "He who follows me will not walk in darkness, but will have the light of life" (Jn 8:12; cf. 14:6; 1 Jn 2:6). Fellowship implies resolute attachment to Jesus and his teaching in a rapport of confidence and love. This is illustrated by the parable of the good shepherd, to whose guidance the sheep confide themselves with absolute trust (Jn 10:1-5.27). The following of the disciples is a repetition of Christ's path through a life of obedience, love and suffering into glory: "If any one serves me, he must follow me; and where I am, there shall my servant be also" (Jn 12:26). In the first epistle of Peter the idea of fellowship occurs united with that of imitation: Christ "left you an example, that you should follow in his steps" (2:21).

The theme of the *imitation of Christ* is made explicit in those texts which present Jesus as an example for the believer. In Mark 10:44f Jesus summons the disciples to imitate his spirit of service and self-sacrifice for the sake of the salvation of mankind. "Whoever would be first among you must be slave of all. For the Son of man also came not to be served but to serve and to give his life as a ransom for many" (cf. Mt 10:24f par; 20:25-28 par).

With perfect clearness Jesus is set as an example in the writings of John. In a symbolic act of humble service Christ washes the disciples' feet, and they in turn should be animated by the same spirit. "I have given you an example, that you also should do as I have done to you" (Jn 13:15). The spirit of selfless service even includes the readiness to lay down one's life for the brethren, as Christ has laid down his life for the salvation of men (1 Jn 3:16). The most general basis for the imitation is given in the great commandment of love as formulated by John: "A new commandment I give to you, that you love one another, even as I have loved you" (Jn 13:34; cf. 15:12).

Paul too repeatedly refers his Christians to the example of Christ. "You became imitators of us and of the Lord," he writes to the Thessalonians (1 Thess 1:6); and similarly to the Corinthians: "Be imitators of me, as I am of Christ" (1 Cor 11:1). The example given by Christ and by Paul consists in selfless concern for the neighbour and patient, loyal obedience even in the midst of suffering. In several other instances Paul uses the example of Christ's love, forbearance and self-sacrifice as motive for his exhortations to love, faithfulness and disinterested service (Rom 8:17; 15:1-7; 2

Cor 1:18f; Eph 5:1f; Phil 2:4-8; Col 3:13; also Heb 12:1f).

Finally, a further deepening of this motive takes place in the direction of a *mystical following of Christ's path*. Christians "not only wanted to live in communion with the glorified Lord, but also wanted to make themselves like him in love and devotion, suffering and death. The idea of a complete community of death and life with Christ is clearly marked in Pauline theology. For Paul the life of faith is a life in, with and for Christ (cf. Gal. 2:19ff; Rom 14:17f.; Phil. 1:21ff.), a sharing in and imitation of his death and Resurrection (2 Cor. 4:11; 13:4; Phil. 3:10f.)."¹⁾

Throughout the centuries the idea of the imitation of Christ has proven to be a powerful motive in the lives of Christians. The person of Christ has inspired the hearts of men of all ages and nations with an impassioned love and devotion. His influence has done more to regenerate mankind than all the dissertations of philosophers and men of science. The imitation of Christ retains its great value also for our days, and Christian catechesis will ever welcome this help in the guidance of the faithful.

D. Divine sonship and Christian community spirit

1. Motive of divine sonship

In the synoptics Jesus uses divine sonship once as motive for loving one's enemies. Since God shows love not only for good men but also for sinners, the disciples must be of the same mind. "Love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven" (Mt 5:44f par).

In the other writings of the New Testament the use of this motive or related ones is frequent. The foundation is always the new life Christians have received through faith and baptism. Those who believe are children of God (Jn 1:12; Gal 3:26; 1 Jn 3:1f) and children of the light (Jn 12:36; Eph 5:8). In baptism they have died to their old, sinful nature and have been raised to newness of life (Rom 6:3-14; Col 2:12; cf. Jn 3:5f). Therefore they are a new creation (2 Cor 5:17; Gal 6:15). They are incorporated into Christ, who lives in them (Rom 8:10; 2 Cor 13:5; Gal 2:20) and they in him (Rom 8:1; Phil 3:8f; Jn 15:1-8). The Holy Spirit dwells in them (Rom 8:9.11) and they are his temple (1 Cor 3:16; 6:19). No longer do they belong to themselves but to God (1 Cor 6:19f).

¹⁾ R. Schnackenburg, *The Moral Teaching of the New Testament*, 1967, 53.

This new existence of the believers carries corresponding obligations. Time and again it motivates the summons of the apostles to a holy life, worthy of the new status of Christians. Because they are children of God and sons of light, they must love God and their brethren, obey him (1 Jn 3:10f; 5:1-3) and walk as children of the light (Eph 5:8; 1 Thess 5:5f). Because they have died to sin and live in Christ, they ought to sin no more (Rom 6:11-13; Col 3:5-10; 1 Pet 1:23-2:2), walk in newness of life (Rom 6:4; Eph 4:24), put on the Lord Jesus (Rom 13:14) and let him dwell in their hearts (Eph 3:17). Because they are temples of the Holy Spirit, they must live by the Spirit (Rom 8:13; Gal 5:25), shun immorality and glorify God in their bodies (1 Cor 3:16f; 6:19f). "He who abides in me, and I in him, he it is that bears much fruit, for apart from me you can do nothing", declares Christ in the allegory of the vine and its branches (Jn 15:5).

2. Christian community spirit

Life in Christ and in the Spirit is however never a life in isolation. Since it is one and the same Spirit who lives in all, the believers are united by a common bond to one people. Likewise, since as children of God they have one and the same Father in heaven, they are brethren of each other and constitute one family of God.

The early Church is therefore characterized by a pervasive sense of being a new community in Christ. According to Paul, the Church is a body and those who belong to it are members of the body. Christians are built up into it by their baptism in the one Spirit. Head of the body is Christ, from whom the whole body receives life and growth, unity and control (1 Cor 12:12-27; Eph 4:1-16; Col 2:19).

The image of the body of Christ is completed by other no less significant metaphors. The Church is God's household and city (Eph 2:19; Rev 21). It is a building constructed by the Lord to be his holy temple. The believers are built into its structure as "living stones" with Christ as the cornerstone (1 Cor 3:9; 2 Cor 6:16; Eph 2:20-22; 1 Pet 2:4-8). Again, Christians are a chosen race, a holy nation, God's own people (2 Cor 6:16; Heb 8:10; 1 Pet 2:9f).

From the concept of the Church as Christ's body and God's temple, conclusions are drawn for the practical life of Christians. They are admonished to use their different gifts for the best of the whole body (Rom 12:3-8). In order "to maintain the unity of the Spirit in the bond of peace", they are urged the practise mutual respect, patience, concord, compassion, charity, sincerity, and

other social virtues (Eph 4:1-3; Col 3:11-15). Christians cannot neglect these virtues without doing harm to each other. And vice versa, wherever these virtues are cultivated, they foster unity and strengthen the community. "If one member suffers, all suffer together; if one member is honoured, all rejoice together" (1 Cor 12:26). Whether the community will be built up (or not) should be the criterion guiding whatever Christians do. "Build one another up!" (1 Thess 5:11; cf. Rom 14:19; 1 Cor 10:23f; 14:12,26). This is a constant subject in Paul's exhortations.

For the early Church the whole ethical life of Christians takes place not in isolated individuals but within a social organism. The New Testament gives no encouragement to the idea that the individual is self-determining, or is only to achieve his own real self. He does not exist for himself. He is a member of the body, like a hand or a foot. And it is his responsibility to be a useful member of the community. The formation of right moral judgements is therefore likewise not a matter for the individual alone. "The examination and discernment of the divine will has its proper place only in the community and in the unity with the other members of the body of Christ."¹ Joined together by the same Spirit, each member will listen to the other members and each community to the other communities (cf. Rom 12:16; 15:14; 2 Cor 13:11; Phil 2:2).

Yet neither is there a Christian warrant for saying that the community as such, any earthly community to which one may happen to belong, has an absolute claim upon the individual. Only the body of Christ has such a claim, since it is the body of the Lord himself. "Rightly understood, therefore, the church is the one society which can make total demands upon its members without being totalitarian, because it is not, and never claims to be, a self-determining sovereign power. It is entirely subordinate to ends beyond itself, the ends of Christ. Those ends transcend the interest of the church, for Christ is the Savior not of the church alone, but of the world. The church which is His body is interested in the salvation of the world and in no lesser end. Its ultimate reason for existing is the glory of God Himself."²

¹ Wolfgang Schrage, *Die konkreten Einzelgebote in der paulinischen Paränese* (Gütersloher Verlagshaus Gert Mohn 1961), 174. "How strongly the community is considered a unity, a 'body', is shown by the continuous linguistic use of the apostle: 'we' resp. 'you'. Paul knows nothing of the ethical *autonomy* of the individual" (Heinz-Dietrich Wendland, *Ethik des Neuen Testaments*. Göttingen: Vandenhoeck und Ruprecht, 1978, 65).

² C. H. Dodd, *Gospel and Law* (Cambridge: University Press, 1965), 35f.

Hence the Christian is asked to be a socially integrated and committed member of the Church, but also of the other communities he belongs to. These communities, on their part, are again bound to be subordinate to the ultimate ends of Christ and his kingdom. And it must be the concern of the Church that these ends are never put into danger or lost out of sight.

PART II

GENERAL MORAL THEOLOGY

Chapter I

THE NATURE OF MORALITY AND ITS ULTIMATE END

For Christian theology, the moral character of human actions is essentially determined by their relation to God's will. Man's actions are morally good if they agree with God's will, and they are morally bad if they disagree with it. But God's will is not primarily expressed in a set of codified rules and laws. It is first of all an inner calling and a summons to accomplish a task within the universal plan of God for man and this world. Hence man's response to this calling determines the morality of his actions and of his entire way of life. If a man's response is faithful to his calling, his actions and way of life are morally good. But if he is unfaithful to his calling, his actions are morally bad. The first section of this chapter will, therefore, be concerned with the responsive character of Christian morality.

The calling of each man and woman is personal and unique, but still not isolated and without relation to the common calling of mankind. God has not only a plan for each individual, but a universal design for all of mankind and for the entire world. Each man's personal vocation is related to that superior, universal design and ultimately stands in its service. The ultimate goal of man and the world is an ultimate criterion for the moral goodness of his actions. Whatever stands in contradiction to this ultimate goal cannot be morally good, because it would frustrate the meaning of a man's existence and contradict God's purpose for man and the world. In fact, the question of the ultimate end of man is fundamental for the nature of morality. The different systems of morality are distinguished from each other precisely by their different conceptions of man's ultimate purpose. The second section will therefore deal with man's ultimate end.

The third section treats of the categorical character of the moral demand, which necessarily follows from the fact that in

man's moral decisions, his ultimate end and the very meaning of his existence are at stake. A final section on the need of man's openness to the guidance of the Holy Spirit is meant to underline the truth that man's obligations cannot be deduced by simple, logical conclusions from the ultimate goal. The ultimate goal is known to man only in its approximate features and not in its full clarity. Furthermore man's precise contribution to it can only be the matter of God's personal call through his Holy Spirit.

A. Responsive character of Christian morality

Responsibility and responsible freedom are household words in current ethical debate, especially of a more popular nature. Existentialist philosophy has contributed much to their popularity. But the precise meaning of the terms is all too often left vague. Sartre is an exception to this. He defines responsibility as "the consciousness of being the incontestable author of an event or of an object."¹ An action is responsible if it is not the result of any force or compulsion, but of the deliberate and free decision of a person. Yet if this is what responsibility means, what tyrant could not claim to have acted responsibly? His orders to assassinate disagreeable opponents are in this sense responsible decisions. This kind of responsibility could not become a foundation-stone of one's ethical doctrine. If it is to become such, as some writings especially of existentialist leaning like to propose, then the definition is seriously deficient. It stands in need of completion.

The literal sense of the word responsibility helps much to grasp its true meaning, namely "liable to give an answer for what one has done." Yet if one has to give an answer, surely one has to give it to somebody. The scholar of ethics must not escape his obligation to clarify to whom or to which authority a person is responsible.

Man is not primarily responsible to himself. A word-response relationship presupposes two partners. Only in a derived sense can one speak of a person's responsibility towards himself. Man is above all responsible to his neighbours and to the various social groups to which he belongs. He is responsible to the future generations, e.g. when exploiting the natural resources. Man has also a cosmic responsibility for the world at large, as Western civilization finally comes to realize more and more (and the great Eastern religions have always remembered). Yet ultimately — and this is an

¹ Jean Paul Sartre, *Being and Nothingness*; quoted by E. W. Trueman Dicken, *Loving on Principle* (London: Darton, Longman and Todd, 1969), 32.

elementary conviction of Christian faith — a person is answerable to God. This is the immediate consequence from the theological doctrine that God is the creator of the universe who has arranged everything according to his purpose, and man is his creature who has received a task from him to be fulfilled. Responsible then is the person who gives the appropriate answer to his or her calling by God.

1. Holy Scripture

At the beginning of all religious thought of Holy Scripture is the theme of the covenant.¹⁾ At Sinai, Israel, the people that God had delivered from the slavery of Egypt, entered into a covenant with Yahweh, who in sovereign liberty decides to grant the chosen people his privileged love, protection and salvation, and who states his conditions which man in turn is expected to fulfil. "If you will obey my voice and keep my covenant, you shall be my own possession among all peoples" (Ex 19:5). By virtue of the covenant, Israel finds itself placed in a word — response relation with God from the very beginning of its history. God's word is revelation of his name and of the meaning of events, promise of his grace and guidance, yet also law and rule of life. Man's answer is the ready acceptance of God's word, trust in his promise, and faithful fulfilment of his command. "All that the Lord has spoken we will do" (Ex 19:8; 24:7).

The message of the prophets constantly refers to the covenant. Whether they unanimously denounce the infidelity of Israel towards her God, whether they preach the catastrophies which threaten a sinful people, it is because of the pact of Sinai. They enrich by other analogies and new aspects the covenant relationship between Yahweh and his people, which originally appeared primarily under a juridical aspect. Israel is the flock, and Yahweh the shepherd (Ezek 34:11-24). Israel is the son, and Yahweh the father (Hos 11:1-4; Jer. 31:20-22). Israel is the spouse or wife, and Yahweh the bridegroom or husband (Hos 1-3; Jer 2:2f; 31:3f; Is 54:1-10). These images, especially the last, make the Sinaitic covenant appear as an encounter of love (cf. Ezek 16:6-14). The attentive and gratuitous love of God calls in return for a love which will translate itself into obedience (cf. also Deut 4:37-40; 6:5; 7:8-11; 10:12-15; 11:1).

¹⁾ "In the covenant of God with his people there is resumed the essence of the religion of the Old and New Testament" (J. Schildenberger, "Covenant", *Encyclopedia of Biblical Theology*, ed. by J. Bauer, 1970, 140).

Yet Israel did not remain faithful to the covenant. It turned to other gods, did not heed the Lord's word and disregarded his commandments. In consequence the ancient pact was found broken (Jer 22:9; 31:32), just as a marriage which fails because of the adulteries of the wife (Hos 2:2-5; Ezek 16:15-43). Yet a new covenant is promised, which will be established at the end of time (Jer 31:31-40), which will renew that of Sinai (Ezek 16:60) and will bring about a change of heart and the gift of the divine Spirit (Ezek 36:26ff).

This new covenant was entered into by God with mankind through his Son Jesus Christ. The word "covenant" figures in the four accounts of the institution of the Eucharist at the Last Supper (Mt 26:28; Mk 14:24; Lk 22:20; 1 Cor 11:25), but also in other passages of the New Testament (e.g. 2 Cor 3:6; Heb 8:6-13; 12:24). Jesus himself considers the promise of the new covenant, which was announced by Jeremiah and Ezekiel, fulfilled in his sacrifice. Placed thus "at the heart of Christian worship, the covenant theme is the background for the whole NT, even where it is not explicitly noted."¹) In contradistinction to the old covenant, which was a privilege of the people of Israel, the new covenant reaches out to all nations, for the blood of Christ has remade the unity of the human race (Eph 2:12ff). But no less than in the Old Testament, God expects from man an answer to his salvific action, the answer of faithful obedience and love.

In the OT God spoke his word through the mouths of Moses and the prophets. In the NT he speaks to mankind through his only begotten Son, who is the divine Word himself. Jesus "proclaims the word" (Mk 4:33; Jn 3:34), making known the mysteries of the kingdom of God (Mt 13:11 par). He conveys "what the Father has taught him" (Jn 8:28; 12:50). Men on their part are called to take position when confronted by this word. Those who accept it will bear fruit (Mt 7:24-27 par; 13:18-23 par). Whoever hears God's word and keeps it, will have eternal life and God will make his home with him (Jn 5:24; 8:51; 14:23f; 15:7). But those who refuse it will be judged on the last day (Jn 12:48). And since Christ himself is the incarnate Word of God, man's total attitude towards the person of Christ will decide his eternal destiny (Jn 1:1-18).

The apostles and disciples of Christ continue to preach the word of God by proclaiming the message of the gospel throughout

¹) "Covenant", *Dictionary of Biblical Theology*, ed. by X. Léon-Dufour (London: G. Chapman, 1967), 73f.

the entire world. They offer to all men the “message of salvation” (Acts 13:26), the “word of life” (Phil 2:16), the living word that discerns the hearts of men (Heb 4:12). Again, the word demands a decision and response from men. Some reject it (Acts 13:46; 1 Pet 2:8; 3:1), others accept it (1 Thess 1:6; 2:13), keep it in order to be saved (1 Cor 15:2; Rev 3:8), and put it into practice (Jas 1:21-25).

Thus a lasting drama is brought to pass around the word of God. God speaks to men in manifold ways: through Moses, through the prophets, through Jesus Christ, who is the Word made flesh. And man is called upon to respond to the word. “He who believes in the Word, who acknowledges and receives the Word, enters through Him into the life of the theological virtues of the child of God (Jn 1:12). He who rejects the word or scorns it remains in the darkness of the world and is judged thereby (cf. 3:17ff). Everyone must face this formidable prospect; openly, if he is brought into contact with the gospel of Jesus Christ; secretly, if the divine Word is attained only under imperfect forms. To every man the Word speaks; He awaits an answer from every man, and man’s eternal destiny depends upon his answer.”¹⁾

2. *Liturgy*

The dialogical character of Christian faith and morality likewise finds expression in the liturgical and sacramental life of the Church. For, as Vatican II states in the Constitution of the Sacred Liturgy, “in the liturgy God speaks to His people and Christ is still proclaiming His gospel. And the people reply to God both by song and by prayer” (SC 33). The songs and prayers contain as an essential element the praise and glorification of God, but they always equally express man’s desire and readiness for a life in accordance with the will of God and the Christian faith. Thus by participation in the celebration of the liturgy, Christians constantly share in the covenant between Christ and the Church. “The structural pattern of the liturgy closely resembles that of salvation history, in that throughout we see a dialectic of revelation and response, the great God revealing himself as agape (1 John 4:8), seeking to evoke a response of faith from man. In Scripture we read of the *magnalia Dei*, the wonderful saving events of God, placing himself at the service of man for man’s salvation. Through the liturgy this saving action continues to be present in history. And just as man was called to commitment by God through these saving

¹⁾ “Word of God”, *Dictionary of Biblical Theology*, 1967, 589.

events in the past, so too he is still being called to commitment by God through these same saving acts sacramentally present today. God's revelation of saving service calls man to a response of saving service on his part."¹⁾ The liturgy and the sacraments voice and effect God's love, mercy, and saving grace. In turn, they demand of men the response of a corresponding life formation in harmony with God's will and in the fellowship of Christ.

3. *Christian theology* ²⁾

Religion is essentially an encounter between God and man. God is concerned with man; he turns to him; he reveals himself to him. This makes religion possible. And man turns to God; he answers him.

Christian religion too, and with special distinctness, understands itself as an encounter with the divine. God offers man his grace and addresses his word to him, and man is expected to answer in faith and love and in the fulfilment of God's will. This encounter takes place for the Christian in Jesus Christ. Christ is the message of the eternal love of God. How earnestly God is concerned with man is most strikingly shown in the sacrifice of God's only begotten Son for man on the cross. God is man's salvation. He gave himself to man that man might give himself to God. But Christ is also, in virtue of his humanity, the answer to that love. His life in loving dedication to the Father's will is the perfect response of mankind to God's gracious offer of communion with him. In fellowship and union with Christ, Christians are called upon to formulate their answer in the same manner as their master. "The response of the Christian should be that of a son, modelled on the filial response of the only-begotten Son and grounded in it."³⁾

Man's response to God has two dimensions. There is a direct response to God, which is religion in the strict sense. Man responds to the revelation of God's glory, majesty and holiness, to his love

¹⁾ Donald P. Gray, "Liturgy and Morality", *Worship* 39 (1965), 29.

²⁾ A very instructive study on the notion and place of responsibility in the religious ethics of B. Häring, D. Bonhöffer, H. Richard Niebuhr, and R. Johann has been presented by Albert R. Johnsen, *Responsibility in Modern Religious Ethics* (Washington, Cleveland: Corpus Books, 1968). Cf. also Enda McDonagh, "Morality: Man's Response to God", in *Truth and Life*, ed. by Donal Flanagan et alii (Dublin: Gill and Macmillan, 1969), 24-38; Bernard Häring, *Free and Faithful in Christ. vol. 1* (Middlegreen, Slough: St. Paul Publ., 1978), 59-103. Trutz Rendtorff, "Vom ethischen Sinn der Verantwortung", in *Handbuch der christlichen Ethik*, vol. 3, ed. by Anselm Hertz et alii (Herder: Freiburg, 1982), 117-129.

³⁾ Enda McDonagh, l. c. 29.

and mercy in the divine virtues of faith, hope and love, and in the acts of worship. But there is also a second form of response. It is the response to the revelation of God's will with regard to this created world. The divine will is made known to men through the order of creation and the testimony of conscience, and to Christians also in the word of biblical revelation. Man's response consists in recognition and promotion of the created values, in the faithful fulfilment of the task assigned to him in the world, and in obedience to the moral command. This divine invitation is extended to men of all times. And all men are able to perceive it and are summoned to answer this call in willing obedience and responsibility.

The very core of moral decision is the spirit of obedience to God. It is saying yes to God's will. But this decision is essentially more than a simple saying yes or no to a fixed order. The understanding of God as a lawmaker, who presents men with a code of rules and laws which have literally to be followed, is not fully adequate. Today the conception of God has shifted to the designer of a task to be done. "God sets up a task to be done. Like any task it has a specific outline and a specific goal, but its details must be worked out by those who have responsibility. They must, out of their skill and alertness, expedite the task in terms of the continually changing situation and of the exigencies which emerge in the doing."¹⁾ God gives responsibility to do the work and expects man to carry it out responsibly.

The moral decision requires humble and docile attention to the will of God. This includes that man seriously submits himself to the rule he has recognized as the will of God. Just as the self-communication of God to man has sought expression in human language, so has the response from man which that communication involves. The OT formulates God's will in divine commandments, and the NT provides a written account of the chief demands of Christian living. The written law is the attempt to express the internal reality of the call to divine sonship in some external, verbal formulas. "Such formulas are necessary and originate with Christ himself and the New Testament. They are, however, secondary to the internal reality and never in fact completely express it. They are always approximate and capable of fuller and better expression."²⁾ For this reason men and women are not only called to obey the law but also to take care of it responsibly, so that it will express the will

¹⁾ A. Jonsen, l. c. 183.

²⁾ Enda McDonagh, l. c. 33.

of God always more correctly and remain an authentic expression of the divine command in the varied conditions of time. Responsibility for the moral order entails the reasonable scrutiny and revision of principles.

Obedience to earthly authority does not dispense man of his personal involvement and direct responsibility before God. "There can even be a formal obedience and devotion to the law in such a way that a person refuses to surrender himself totally to God."¹⁾ People must not be so submitted to the many laws that they lose sight of the all-embracing law of love of God and neighbour. In the eyes of the legalist, Jesus frequently sinned against the law by disregarding certain Jewish precepts of ritual and ceremonial nature. But for him it was a matter of obeying the more important matters of the law: justice, mercy and love. Equally, if not more dangerous is a legalistic minimalism which feels itself free from any responsibility where there is no written law or tradition. Narrow adherence to nothing but the codified rules is made an excuse of ignoring the total will of God.

Personal responsibility must therefore also move in where there are no rules. The complexity of modern life entails that whole areas of life have vastly outgrown the relatively simple plan of moral principles provided by handbooks and are not covered by detailed rules. "The principle of responsibility requires that the responsible man, salesman, general, politician or physician carry the spirit of the ethical principles which they adopt into those areas where no clear rules exist...Responsibility not only requires considered, conscientious commitment to principle, not only the careful critique of principle, but also a moral creativity."²⁾

The word-response relation establishes a bond of a personal nature between God and man. But religion as community with God places man not only in the right relation to God. To be in Christ necessarily means to be bound up with all those who have fellowship with Christ, who are called by Christ. Hence it belongs to the essence of religious living that it places man in the community with his neighbour. The expression "God and the soul", therefore, must not be construed in an individualistic sense. "It is a monstrous error on the part of Kierkegaard and many others with him to maintain that the religious life looses the bonds of community and places the individual naked and alone before God."³⁾

¹⁾ B. Häring, *Free and Faithful in Christ*, vol. I, 1978, 128.

²⁾ A. Jonsen, l. c. 195.

³⁾ B. Häring, *The Law of Christ*, vol. I, 1966, 38.

For although God calls man personally, each by his own name, he finds through the very acceptance of God's word the way opened to the love relation with his neighbour.

B. The ultimate purpose of the moral demand¹⁾

God calls men and women to communion with him and to the service of his will. And they are expected to answer this call in ready acceptance, in obedience and responsibility. This has been explained in the preceding section. The question arises whether there exists any further criterion by which a certain course of action can be determined as obedient or disobedient, as responsible or irresponsible. Accord or disaccord with God's call has been pointed out as the criterion of the moral goodness of an action. This criterion however is still of a very general and indeterminate nature. Can nothing more specific be said about the content of this call?

The common nature of men and the universal character of the word of God in Scripture point to a common goal and purpose of men. And this means to say, they point to a common calling. In fact according to the definition of moral theology, man's final goal is the ultimate criterion for the moral quality of an action. Those human actions are good which contribute to the realization of the final goal; and those actions are bad which lead man away from this goal and obstruct its realization. The more specific determination of man's ultimate goal and purpose is therefore of great importance for every system of moral theology and philosophy.

Recent ethical discussion pays increasing attention to the question of the meaning of existence. It is pointed out that insight into the meaning of existence supplies that comprehensive framework which makes moral judgements possible, provides the basis

¹⁾ A good exposition of the various currents and schools of philosophical ethics is given by William K. Frankena, *Ethics* (Englewood Cliffs, N.J.: Prentice-Hall, 1973, 2nd edition). A helpful survey not only in the light of philosophy but also of moral theology has been presented by Franz Furger, *Begründung des Sittlichen — ethische Strömungen der Gegenwart* (Freiburg Schweiz: Imba Verlag, 1975). A pertinent, concise study of the question is given by Wolfhart Pannenberg, "The Kingdom of God and the Foundation of Ethics", in *Theology and the Kingdom of God* (Philadelphia: The Westminster Press, 1969), 102-126.

for their validity,¹⁾ and ensures unity to the ethical theory.²⁾ "Each person has an object (or objects) of ultimate trust, loyalty and commitment. Thus he or she has 'faith' in something or someone. This object functions as a deity. People, in different words, all have a center of faith and this faith-relation is for each the crucial determinant in shaping ethical style, judgement and actions."³⁾

More than any other doctrinal tenet, the conception of the meaning of human existence reveals the understanding a religion, philosophy or ideology has of man. It condenses their anthropology as if in a focal point and decisively influences their value judgements. Pope John Paul II therefore urges the fundamental importance of a correct grasp of the ultimate meaning of life. "The great task that has to be faced today for the renewal of society is that of recapturing the ultimate meaning of life and its fundamental values. Only an awareness of the primacy of these values enables man to use the immense possibilities given him by science in such a way as to bring about the true advancement of the human person."⁴⁾

The different views with regard to the ultimate goal of man and of his activity can be categorized in four basic groups. The ultimate goal may be looked for in temporal happiness and welfare (eudaemonism, utilitarianism); in self-perfection and temporal progress; in the realization of the moral value for its own sake (Kantian ethics, ethics of values); and in God's glory through the realization of his divine design (theonomous ethics). A further question in this line is the significance which accrues to man's salvation as a motive of his activity. The concept of salvation essentially belongs to the religious, theonomous forms of ethics. The questions which arise are how this motive is related to the motive of God's glory and kingdom, and whether it can be an ultimate goal of the moral act or only a secondary, subordinate one.

1) "Insight into meaning provides that comprehensive context of intentionality which has to be considered the source and basis of the validity of ethical objectivity" (Klaus Demmer, *Sittlich handeln aus Verstehen: Strukturen hermeneutisch orientierter Fundamentalmoral*. Düsseldorf: Patmos, 1980, 53).

2) In the multiplicity of empirical data any ethical theory can find its unity only in a definite meaning of life as the ultimate point of reference for human action (Wilhelm Korff in *Handbuch der christlichen Ethik*, vol. I, ed. by Anselm Hertz et al., Freiburg: Herder, 1978, 165).

3) Bruce C. Birch and Larry L. Rasmussen, *Bible and ethics in the christian life*. (Minneapolis, Minn.: Augsburg Publ. House, 1976), 63.

4) Apostolic exhortation *Familiaris consortio* (1981), nr. 8.

I. Temporal happiness and welfare ■ ultimate purpose:
eudaemonism, utilitarianism
(happy)

Eudaemonist ethics considers temporal happiness and welfare as the ultimate purpose of human life and activity. Pleasure and happiness is the only thing good in itself, while evil is what causes pain and sorrow. Morally right then is what is useful and profitable for achieving the goal of temporal well-being and success. Eudaemonism¹⁾ accordingly is always utilitarian. But also vice versa, utilitarianism is always eudaemonist, at least the way it is most frequently understood.²⁾ Furthermore, since the good or bad consequences decide whether an action is useful and therefore good or evil, eudaemonism and utilitarianism are likewise typical instances of consequentialism. Even where utilitarianism is not professed theoretically, it is very often the factual basis of conduct.

There are of course different temporal values in which happiness can be aspired to. Some attempt to find happiness in sensual pleasure (hedonism³⁾); others in riches, honour, social standing and power (cf. OT ethics); others in the renunciation of sensual pleasure in favour of tranquility and peace; and others in harmonic satisfaction of all earthly needs, sensual, social, intellectual, cultural (Aristotle⁴⁾). In our time a form of neo-eudaemonism has widely gained ground which appraises life (naturally man's life here on earth) as the highest good and value. But life is only a desirable good if it offers at least a moderate amount of enjoyment and happiness. The goal therefore is to maximize personal gratification and happiness, especially through the more immediate benefits of pleasure, comfort and material living standard.⁵⁾

Eudaemonism may be private or social. Private eudaemonism is concerned with the happiness of the individual only. Social eudaemonism aims at the happiness and welfare of a social group.

¹⁾ The term "eudaemonism" is derived from the Greek word *eudaimonia* — happiness, prosperity.

²⁾ Cf. Bernard Williams, "A critique of utilitarianism", in *Utilitarianism for and against* by J. J. C. Smart and B. Williams (Cambridge at the University Press, 1973), 79f.

³⁾ The term "hedonism" is derived from *hedonè* = pleasure.

⁴⁾ Cf. *Nicomachean Ethics*, book I, c. VII-VIII. Aristotle also emphasizes the need of virtuous living, but ultimately as a means to happiness.

⁵⁾ Cf. Bernhard Stoeckle, "Autonome Moral. Kritische Befragung des Versuchs zur Verselbständigung des Ethischen", *Stimmen der Zeit* 191 (1973), 727f; idem, *Grenzen des autonomen Moral* (München: Kösel, 1974), 38-42. He critically asks whether the presently advocated autonomous morality does not ultimately encourage a this-worldly neo-eudaemonism and ends up in it.

It may be predominantly concerned with the greatest possible welfare, influence and power of a selected group and its members (e.g. a family clan, a dominating aristocracy, a party¹⁾) or of an entire nation (nationalism) or with the greatest happiness of the greatest number of people in general (as advocated by Jeremy Bentham and John Stuart Mill).

Utilitarianism has a great appeal because it is a simple, one-principle system with a concrete, tangible and suasive goal. Nevertheless it suffers from grave shortcomings and, as with particular vigour Kant has shown, cannot serve as the basis for a morality worthy of its name.²⁾

The ultimate purpose of human activity and life is that value for which, in case of conflict, all the others are sacrificed. The spontaneous reaction against individuals or groups who concede the place of highest value to their temporal happiness and welfare is rejection and disgust, expressed in the word egotism. Why? The temporal happiness of an individual and even the welfare of a group is obviously a limited value, which cannot prove its right to preference in principle over the well-being of others. In more general terms, preference of limited values over more comprehensive values is always a distortion with disharmony and injustice in its train. Utilitarianism with its unconditional preference of temporal happiness and welfare over the higher, eternal values inverts the true order, disrupts and overthrows its.

Actually civil communities and states never admit, and cannot admit, the principle of unrestrained, private eudaemonism. And this is equally true of the relations of states to each other, which always resist the unlimited principle of social eudaemonism of their neighbour nations. Usually states succeed in preventing the worst excrescences of eudaemonist egotism of their subjects and of each other. But within the limits in which no vengeance of civil law or of other nations is to be feared, the principles of eudaemonist egotism have always flourished abundantly and not seldom brutally. Nevertheless eudaemonist ethics is most of the time not carried through with strict consequence. Men will often not succeed in opposing

¹⁾ Marxist Leninism, Maoism and similar types of communist materialism belong to this category of utilitarianism. Good is, according to these ideologies, whatever serves the victory and sovereignty of the communist party, as the representative of the proletariat, and evil what is contrary to it.

²⁾ "As a general strategy of moral reasoning, utilitarianism or consequentialism is irrational" (John Finnis, *Natural Law and Natural Rights*. Oxford: Clarendon Press, 1980, 112).

the voice of conscience, especially in cases of baser recklessness. The conviction of people and nations that such a voice exists is proven by the fact that they condemn and punish criminal recklessness perpetrated on utilitarian grounds even where it does not constitute an offence against positive law, e.g. in the trial of Nürnberg (1946) against the crimes of the leaders of German Nazism and in the subsequent prosecution of such crimes.

At first sight, the social eudaemonism of John Stuart Mill, which pleads for the greatest happiness of the greatest number, seems to avoid the pitfalls of the more particularistic forms of eudaemonism. Yet it too miscarries because of incurable defects. *First*, there are many different goods and values in which people find their happiness. Who establishes what worthwhile happiness is and has to be for everybody? The search readily ends with the tyranny of an intellectual elite or another power group which determines what happiness should be for a community. Naturally the choice is also open to change. *Second*, eudaemonism provides no reason for preferring altruism to egoism or to exclusive concern for one's family or party. If happiness is the greatest good, how could a man be expected to sacrifice it (e.g. his limbs or life in a war) for the greater happiness of the rest? Eudaemonism offers no motive for this sacrifice. On the contrary, it makes it unintelligible. Where concern for one's fellowman does not even on a longterm basis contribute to one's happiness, eudaemonism cannot establish the obligation to self-forgetful concern. *Third*, "utilitarianism cannot hope to make sense, at any serious level, of integrity",¹⁾ fairness and justice.²⁾ If a great amount of good for the members of a group can be achieved by inflicting some evil on one of them or on a minority, e.g. an unjust death sentence or removal of the minority, this should be allowed and even obligatory according to the utilitarian principle.

¹⁾ B. Williams, l. c. 82. He illustrates the point by the following example (ib. 105): Suppose that there is in a certain society a racial minority. It does no particular harm to the rest of the citizens, but also offers no particular benefits. Its presence is in those terms neutral. However the other citizens have such prejudices that they find the presence of this group very disagreeable. Proposals are made for removing in some way this minority. If we assume that programmes to change the majority sentiment are likely to be ineffective, then even if the removal would be unpleasant for the minority, a utilitarian calculation might well end up favouring this step, especially if the minority were a rather small one and the majority were very severely prejudiced, that is to say, were made very severely uncomfortable by the presence of the minority.

²⁾ David Lyons, *Forms and Limits of Utilitarianism* (Oxford: Clarendon Press, 1970), 161-197.

Furthermore eudaemonism is not able to give meaning to serious suffering, especially to long-lasting and incurable suffering. It remains nonsensical for this theory. Thus eudaemonism leaves unanswered one of the greatest problems of human life, and this again because it excludes the eternal values, which transcend this temporal order.

Evidently eudaemonist ethics is not in a condition to provide a solid foundation for the categorical character of the moral imperative, which characterizes every true morality. Eudaemonism is not able to give a satisfactory interpretation of the testimony of conscience which dictates that good is to be done and evil to be avoided, irregardless of consequences. The pleasurable and profitable are simply not identical with the obligatory, because they are not that ultimate end which nobody is allowed to neglect and disavow. They can be renounced without making a man guilty.

Finally a closer look reveals that feelings of happiness are not the one and all that people are after. People do not just want the feeling of doing good things; they actually want to do good things. They do not just want the sensation of being good persons, they want to be good persons. They do not just want the thrill of sensual and spiritual pleasure; rather they want the real world of a meaningful existence. It is wrong to assume "that what everyone is doing is just pursuing happiness. On the contrary, people have to be pursuing other things."¹⁾ What these other things are one has to be prepared to find out.

Certainly temporal happiness and welfare should also not be belittled. They are justified values. Human experience provides ample evidence that a certain degree of happiness and welfare is indispensable for a well integrated life and for efficient work. Therefore it cannot simply be wrong to strive after them. Indeed there is an intrinsic relation between value and happiness or joy. Every value is the cause of happiness or joy; the greater the value, the deeper the joy. Happiness and joy therefore are indications of

¹⁾ B. Williams, l. c. 113, John Finnis, l. c. 95, illustrates the argument by the following, instructive thought-experiment borrowed from Robert Nozick. Suppose you could be plugged into an 'experience machine' which, by stimulating your brain while you lay floating in a tank, would afford you all the experiences you choose, with all the variety you could want. But you must plug in for a lifetime or not at all. On reflection, is it not clear that you would not choose a lifetime of 'thrills' or 'pleasurable tingles' or other experiences of that type? For one wants to *do* certain things and not just have the experience of doing them; one wants to *be* a certain sort of person and not just have the pleasurable feeling of being it.

values and help in their discovery. This is the positive function which they serve.

Just as it is not wrong to strive after health, a meaningful work, a stable home, the welfare of one's family, so it is not wrong to wish for the happiness and joy which they bring. But it is wrong to grant any of these values or even all of them together the place of a supreme and ultimate value. This does not agree with their temporal and transitory nature. But this precisely is the fundamental error of eudaemonism and utilitarianism. They raise these values to final ends.

As far as the literal meaning of terms goes, Christian ethics also could be called eudaemonist and utilitarian. For according to Christian ethics the reward for a good life is eternal happiness. And it considers as morally good whatever is useful for the realization of God's glory and man's eternal salvation. Likewise all systems which regard self-perfection or self-realization as the ultimate goal of the moral effort, e.g. humanism or existentialism, can in this literal sense be called utilitarian. The same can be said of ethics of values. They all deem morally good whatever is useful for the achievement of their goals, be it self-perfection or the realization of the moral values. Nevertheless this is not the meaning the terms have in actual philosophical and linguistic usage. There they refer to ethical schools and ways of life which consider temporal happiness and welfare as the ultimate goal of human life. In order to avoid confusion and the risk of emptying the terms of any useful meaning at all, it is desirable to continue the adopted usage.¹⁾

II. Ethics of self-perfection²⁾ and temporal progress

Self-perfection, conceived in a naturalistic sense, is considered by humanistic personalism as the ultimate end of the moral effort. In psychological and psychotherapeutic literature it is frequently referred to as self-actualization and self-realization and

¹⁾ It seems that the terms utilitarian and utilitarianism were first used by J. Bentham (1748-1832) and J. Stuart Mill (1806-1873). Kant was the first one to coin the term eudaemonist, and the principle of happiness adopted by the latter he called eudaemony. From there it was a small step only to the term eudaemonism.

²⁾ E. Coreth uses the term "Persönlichkeitsethik" to cover the various trends of the ethics of self-perfection ("Ethik", *Lexikon für Theologie und Kirche*, vol. 3, 1959, col. 1128f).

promoted as the all-encompassing goal of human life.¹⁾ Similarly existentialist thinkers often place the ultimate purpose of man in the realization of his true self and authentic personality. A religious type of self-perfection is not seldom presented in Christian literature as the ultimate goal of moral life. It may even constitute the moral ideal of entire religions. (The ideal of self-purification in Hinduism and kindred religions seems to amount ultimately to an anthropocentric ethics of self-perfection.)

What all these types of moral ideals have in common is that they centre ethics in man and more particularly in the individual person. They tend to be "individualistic", a word that again has a negative tinge, though less strong than the word egotism. The morality of self-perfection is man-centred and, if promoted within the context of religion, leads to an anthropocentric orientation of religion.

Vatican II thought it important enough to comment on the tendencies to individualism in ethics and to dissociate itself from them. It calls on the believer not to "content himself with a merely individualistic morality". The reason is that individualism does not sufficiently account for the social necessities, which are "among the primary duties of modern man" (GS 30, cf. 32). The most determined and clear-sighted critics of the ethics of self-perfection and self-actualization among recent scholars are Bernard Häring²⁾ and Viktor E. Frankl.³⁾

The decisive deficiency of the morality of self-perfection lies in this that it centres in values of limited nature, leaving aside superior values which alone would merit to be the ultimate centre of attention and love. "To a degree these systems preserve the earnestness of morality, since they place man in a comprehensive framework of meaning, value, and law to which he must conform. But the ultimate in meaning and goal is always man and his own development and perfection."⁴⁾ Prayer, worship and religion are primarily viewed from the standpoint of the benefit they bring to man. "If one continues in this attitude, consciously or uncon-

1) "The concept of self-realization has gone through many variations from Nietzsche and Jung to Karen Horney, Erich Fromm, Kurt Goldstein, Frieda Fromm-Reichmann, Abraham Maslow, Carl Rogers, and others who seem to be searching for an all-encompassing theory of life's ultimate goal. With again another connotation, it appears in the context of existentialist thinking" (Charlotte Bühler, quoted by Viktor E. Frankl, *Psychotherapy and Existentialism*. New York, N.Y.: Simon and Schuster, 1967, 45).

2) B. Häring, *The Law of Christ*, vol. I, 1966, 39-42.

3) V. E. Frankl, *Psychotherapy and Existentialism*, 1967, 37-58.

4) B. Häring, l. c. 39.

sciously, he closes to himself the surest and deepest approach to God. He disregards the keystone of religion, the holiness of God, which can never be a means to anything, only the end."¹⁾ Ultimately morality and religion must have the same centre: community and fellowship with God.

The humanistic ideal of self-perfection is even more limited than its religious counterpart. Very often it is conceived in the naturalistic sense of physical and intellectual vigour and beauty. For the physically or mentally sick and crippled it is not at all attainable, and the general decline of old age is nonsensical in this system. If the interests of self-actualization happen to collide with the needs of the neighbour, this morality will easily lead to the neglect of his claims.

The main mistake of the ethics of self-realization, according to Victor Frankl, is the devaluation of the world and its objects to mere means for the person's self-actualizing ends. Even the services rendered to other persons ultimately receive their meaning and moral goodness from the contribution they can make to the agent's self-realization. A love of the other person which is of no profit for man's self-actualization lacks meaning. Not only the material world but also other persons are ultimately placed in the category of means for the agent's personal good.

Furthermore men and women have many potentialities. Self-actualization conceives a person's life task to be the striving to realize as many potentialities as possible to the greatest possible degree. But experience shows that man has always more potentialities than he can realize. Which ones then will he realize? The ethics of self-perfection is not in a condition to offer a criterion for this choice. Man's only purpose becomes to grow exuberantly and rankly, without any further aim than to grow.

It must however be noted that a certain degree of intellectual and personal maturity is necessary before a man is able to serve his fellowmen and society efficiently. Therefore self-perfection certainly plays a justified role in human life, though it is not man's ultimate goal but rather an intermediate aim.

There are other ethical schools of thought which regard social and cultural progress and the creative development of the world as the ultimate end of the moral effort (Schleiermacher, Wundt, Bergson). They are faced with the difficulty of defining what real progress consists in, and they may define it too narrowly. A neglect of basic and central values will result in a deficient morality, e.g. if

¹⁾ *Ib.* 40.

man is understood in a too narrowly materialistic way or if the transcendental openness of the world is rejected and accordingly any value to religion denied. But if justice is done also to the spiritual dimension of man and the values of religion, we are faced with an ultimate end of human activity which is also the ultimate purpose of the moral effort in Christian religion, so far as the responsibility for this world is concerned.

III. Morality for its own sake

In the systems considered until now, actions are valued as good or evil according to their contribution to the realization of the values of happiness, self-perfection or temporal progress. The morally good is consequently not an independent, self-sufficient value. It is rather relative to another value, which is considered superior and whose promotion or impairment is the measure of moral goodness. In contrast what the following moral systems, Kantian ethics and ethics of values, have in common is that they view the morally good as values in themselves, which are not to be realized for the sake of any other value, but only for the sake of their own worth and beauty.

1. *Kantian ethics*

Kant († 1804) gives the moral obligation a “formal” foundation in the categorical imperative, which is formulated thus: “So act that the maxim of your will could always hold at the same time as a principle establishing universal law.” That is to say, the rule from which moral activity springs must be capable of becoming a universal law, and man ought to act as he would like all men to act. The categorical imperative is “formal” in the sense of containing no definite subject matter, but providing only a general principle and criterion of all moral commands and duties. This moral obligation must be fulfilled for its own sake; not for the hope of happiness, since this would be a mercenary ethics founded on pleasure or utility; nor for the sake of God as lawgiver and final goal, since — as Kant explains — an obligation imposed on men by God would result in turning men into slaves. Any heteronomous ethics, i.e. an ethics imposed upon men by an extraneous will, is unworthy of men, even if this be the will of God. Authentic morality must be autonomous, resulting from men’s own insight, verified and approved by their reason. Kant’s demand for moral autonomy has

found a strong echo and is a much hailed tenet even today.¹⁾

This foundation of ethics has the merit of emphasizing the categorical character of the moral obligation against all utilitarian and eudaemonist ethics. Moral duty has absolute priority over profit and pleasure. Nevertheless it suffers from great shortcomings.

By excluding an ultimate end of morality in God and by basing morality on the individual's judgement of what he thinks could become a universal law, Kant's ethics ultimately leads to subjectivism. It is left to the individual's discretion to decide which actions would be acceptable as general laws. But there is no assurance that the choices will be morally acceptable and just. Whoever is in favour of nudism, abortion, prohibition of Christian schools, suppression of religions, etc., will readily agree that these options should be adopted as principles establishing universal law. There is no criterion superior to man's private views and authority.²⁾ In many instances some form of eudaemonism and utilitarianism will be the final result. And even if by common agreement certain obligations were extracted as general norms binding for everybody, the decision whether a way of acting is acceptable as a common law

1) In recent years attention has been drawn to another formulation of the categorical imperative by Kant: "So act that you treat humanity, in your own person as well as in the person of everyone else, always at the same time as an end and never as a mere means." The maxim coincides with the argument from the *dignity of the human person*, or at least is closely related to it, which is likewise often called upon today. The proposition enjoys widespread approval. Nevertheless its usefulness in the ethical discourse seems to be rather limited. If in a war the unjust aggressor is killed, is he still treated as an end in himself? In what possible sense? Certainly he is treated as a means, for his life is sacrificed as the means for the higher good of justice among nations. The problem is that man is not an absolute value, certainly not his temporal existence, and therefore not the highest end. The lower value however may and even must at times be sacrificed if this should be necessary for the safeguard of the higher one. In a careful analysis of Kant's maxim, Bruno Schüller comes to the conclusion that the appeal to personal dignity yields very little normative content, and that there are actions which do indeed treat others as a means only, yet remain compatible with that person's dignity ("Die Personwürde des Menschen als Beweisgrund in der normativen Ethik." *Theologie und Philosophie* 53, 1978, 538-555; cf. the good summary in *Theological Studies* 41, 1980, 99-103). He agrees with D. Ross, who says of the Kantian axiom: "It has in fact great homiletic value; it is a means of edification rather than of enlightenment" (*Kant's Ethical Theory*. Oxford, 1969, 55; quoted in Schüller 548).

2) W. Pannenberg calls attention to the most divergent and even vicious usages to which Kant's formal imperative lends itself. "Adolf Eichmann insisted at his trial that he had always acted according to Kant's imperative. He clearly envisioned the extermination of the Jewish people as a universal law to be universally followed. Fanatics of other strains can likewise wrap themselves in Kant's formal imperative. Kant's formal ethics does not in fact provide certain guidance toward the humanistic ideal he espoused" (*Theology and the Kingdom of God*. Philadelphia: Westminster Press, 1969, 104).

would inevitably again be based on the other criterion whether these laws are profitable for the community, serve the common interest, promote progress, etc. In other words, the last criterion for the moral obligation would be social utilitarianism, or some kind of social and cultural progress. Kant's formal ethics in itself does not provide any definite guidance towards a definite, moral ideal.

Kant pretends that man's dependence on a divine will and law would result in slavery. But how is it possible that man, who in the order of existence is evidently not independent, should be totally autonomous in the order of action? This is a contradiction. Kant is deeply wrong in identifying dependence and slavery. Slavery is dependence on a person or thing that deprives man of his freedom to serve at his best the real purpose of his life. But in obeying God's will man is simply serving the true purpose of his life, and this is true freedom. On the other hand, if man had to obey only the authority of his own judgement on good and evil, as Kant's solution runs, this would speedily result in anarchy. It is a kind of presumptuous self-worship if man is ready to submit only to his own authority instead of loving God above all else. Kant himself, in his late years, felt the inadequacy of his tenet that the divine will must be excluded from ethics as a heteronomous principle. "The *Opus Postumum* shows that the elderly Kant is ready to grant a more immediate and real role to God as a moral legislator."¹⁾

Kant is equally wrong when he rejects the hope of happiness not only as the ultimate goal of the moral effort, but also as any kind of motive at all. The desire for happiness is a helpful and justified incitement for man to pursue his true assignments. Certainly the usually vague inclinations must still be cleared up and further specified by reason and by confrontation with the moral law. It is indicative and revealing that followers of Kant like Salomon Maimon († 1800), who feel indebted to the teaching of the great philosopher, nevertheless cannot agree that the desire for happiness should entirely be excluded from the motivation for good action.²⁾

Finally Kantian ethics provides an unsatisfactory basis for the categorical character, which it rightly attributed to the moral demand. What is at stake, according to Kant, if the moral obligation is not complied with? God's glory and man's happiness or eternal salvation are excluded as motives and goals of the moral

¹⁾ Vernon J. Bourke, *History of Ethics* (Garden City, N.Y.: Doubleday, 1968), 167.

²⁾ *Ib.* 171.

effort. At stake is some kind of human dignity, which will suffer detriment in immoral actions. Offences against morality, then, must be omitted for the sake of avoiding such detriment. This is a rather idealistic and abstract sanction of the moral order, scarcely strong enough to enforce obedience, especially under greater sacrifices. It does not confront man with the elemental choice between salvation and frustration, which alone gives sufficient grounds to a categorical imperative.

2. Ethics of values

Ethics of values goes beyond the purely formal principle of the categorical imperative by maintaining the existence of moral values with concrete content. These values are thought of as some sort of ideal entities, somewhat like Plato's ideal forms. They are not merely subjective conceptions, but essences in the ontic realm, though not physically existing entities. In consequence, the moral values are not rationally deduced from any ultimate end of human life. They are rather perceived by a kind of intuition, i.e. by a certain feeling for value (Max Scheler, Nicolai Hartmann, Wilbur M. Urban). In a way similar to aesthetics and arts, where values are perceived by a spontaneous, inner sentiment for the artistically beautiful, so the moral value is perceived and esteemed by an immediate, spiritual appreciation. And just as the aesthetic value is loved and realized for the sake of its own beauty, so also is the moral value to be loved and realized for its own sake. In this regard, insofar as the criterion for the morally good is not man's happiness nor a divine will nor a divinely willed, ultimate goal (this latter relation is not completely excluded by Scheler), but simply the inner beauty of the good, the ethics of values coincides with Kantian ethics. However, as already said, the ethics of values admits of the existence of a variety of concrete moral values, such as justice, courage, self-control, brotherly love, truthfulness, faithfulness, humility. And the axiological ethicists also tend to think that the morally good fulfils or perfects a person in the direction of self-realization.

Ethics of values attempts to overcome any kind of ethical relativism inasmuch as the values are defined as ideal entities which are independent of any further purpose and goal. At the same time, the empty formalism of Kant is replaced and filled by the concrete values of a material ethics. Ethics of values also accords a fairer place to happiness in man's moral life than Kant does. Although it is true that happiness does not establish the ethical value but

follows from it, the experience of a value is by nature connected with a corresponding feeling of happiness, which is quite legitimate. Nicolai Hartmann says that the man who pursues happiness will not find it, but happiness "opens itself to him who sets his gaze....upon the primary values."¹⁾

In spite of this, ethics of values is not able to give the final answer to the moral question. Ethics of values ascribes the perception of moral values to an irrational feeling. Just as, and even more so than, in Kant's ethics, it is left to the individual's discretion to decide which are the moral values that are worthy to be accepted and to be realized. There is no criterion superior to a person's subjective feelings. This lack of a superior, objective criterion for the morally good creates a void, which will easily be filled by the criteria of eudaemonism and utilitarianism. "Lacking a criterion that determines the nature of the good, ethics will continue to fall back upon the satisfaction to be derived as the best norm for action."²⁾

Another difficulty not satisfactorily answered by axiological ethics is the priority among values in instances of conflict, where out of two values only one can be realized while the other has to be sacrificed. For example, it may be demanded of a father to deny his faith or else his child will be put to death. He finds himself in a conflict between faithfulness to his Church and fatherly love.³⁾ Which of the values is to be preferred? Since axiological ethics regards all moral values in principle as equal and does not admit of a supreme value to whom the others are subordinated, no criterion is available to solve the conflict.

Again, just like Kantian ethics, so also ethics of values is not able to provide a satisfactory basis for the categorical character of the moral demand. What is at stake if the moral obligation is not complied with? At stake is the realization of certain moral values, which will not be brought into being. Everybody will agree that this is regrettable, just as everybody will find it more or less regrettable if aesthetic values are destroyed or not realized. But it does not

¹⁾ Nicolai Hartmann, *Ethics*, vol. I (London: George Allen and Unwin, 1967), 150.

²⁾ W. Pannenberg, *Theology and the Kingdom of God* (Philadelphia: Westminster Press, 1969), 108.

³⁾ Richard Wurmbrand reports the case of a Protestant pastor by the name of Florescu, whom communists in a prison in Rumania wanted to compel to betray his brethren. When he resisted all other tortures, they finally brought his fourteen year-old son and began to whip the boy in front of the father. The boy was beaten to death. (*Tortured for Christ*. The Voice of the Martyrs, P. C. Box 11, Glendale, Calif. 91209, 1969, 36).

appear too difficult to put up with such a loss. Precisely because the moral values are independent entities and not related to any superior purpose of God's glory or man's salvation, the system is unable to provide a peremptory sanction of the moral order. Axiological ethics misses the stern inexorability of a divine will uncompromisingly avenging offences against the moral law and demanding atonement for its infringements.

Finally the nature of the value entities remains mysterious and without satisfactory explanation. Their existence as independent essences in the ontic realm lacks proof.

It is however a lasting merit of the ethics of values that it has accorded a fairer role to man's emotions in the realm of morality. There is a need to overcome the emotional starvation of man resulting from unilateral concentration on rational principles and categorical imperatives. Ethics also has to give attention to the value responses which re-echo in the heart of man, make him sensitive to the beauty of moral goodness and call forth his love, devotion and enthusiasm for it. Likewise it is a correct observation that man grasps his moral task in an act of intuition and faith. In this, ethics of values is right. Yet this intuition has as its object not a multiplicity of a priori values, but ultimately the one supreme value of a comprehensive task, which summons man to a total giving of himself. This is the source and foundation of all other moral values.

IV. God's glory and kingdom as the ultimate purpose: theonomous ethics

Every ethics which affirms the existence of an unconditional "ought", and only that is an ethics worthy of the name, requires for the justification of this "ought" a purpose which is unconditional itself.¹⁾ No temporal, transitory value can establish an unconditional, ultimate claim. Such a claim can only emanate from an absolute, supreme value and purpose, i.e. from a purpose rooted in the divine being and will. Christian ethics therefore searches for the ultimate purpose and meaning of human life and of history in God's will and decrees.

1) Wilhelm Korff formulates the thesis: "Every ethics which establishes the claim of an unconditional ought requires for the justification of this ought a metaempiric, metalogical, theologic reference point of meaning" (*Theologische Ethik, Eine Einführung*. Freiburg: Herder, 1979, 73). The thesis expresses a very valid truth, although the question must be asked whether the reference point of meaning is indeed totally metalogical. This point is ultimately God, his providence and wisdom. Yet according to a strong philosophical and theological tradition, God's existence and provident wisdom can be proven by arguments of reason.

The option for a definite purpose of life is however not forced upon man. He embraces it in a free decision of his will. Of course he ought to opt for the purpose which is in harmony with the divine will. But he can also prefer options of his own making and desire, though at a high cost: the loss of ultimate meaning. Man's choice of a purpose for his life is therefore a most crucial decision. "The grasping of meaning is more than merely ethically relevant; it can already be defined as a moral option of elemental character."²⁾

1. *The teaching of Holy Scripture*

As the moral command has, according to Holy Scripture and to Christian theology, its origin in God, so it has also in him, his glory and his kingdom, its ultimate purpose.

According to the *Old Testament*, God's praise and glory are the highest end and purpose of man and of all creation. In his external works God manifests his majesty, his holiness, his name to men. And he wants men and all creatures to glorify him through their word and existence. "Let them give glory to the Lord, and declare his praise" (Is 42:12; cf. 42:8-12; Jer 13:16; Mal 2:2). The glory of God is the content above all of the psalms, which summon sun, moon and stars, seas and mountains, plants and animals, men and all nations to join in the praise of the Lord (e.g. Ps 96; 145; 148; 150). Manifestation of and contribution to God's glory is the reason for their existence and therefore their assignment and duty. "Whoever owns my name is my creature, made and fashioned for my glory" (Is 43:7).

In the book of Genesis, Yahweh gives man authority over all the earth and charges him to "subdue it" and "have dominion" over it (Gen 1:28). Hence man has the task to develop and to shape the world after the example of God, its creator, and in cooperation with him. The world did not yet attain its final form with the six days of creation. It is still waiting for an ultimate completion and transformation, which God will bring about in a future time. "For behold, I create new heavens and a new earth; and the former

¹⁾ Klaus Demmer, *Sittlich handeln aus Verstehen, Strukturen hermeneutisch orientierter Fundamentalmoral* (Düsseldorf: Patmos, 1980), 165.

things shall not be remembered or come into mind" (Is 65:17; cf. 66:22).¹⁾

In other OT writings, especially in Wisdom literature, fellowship with God is felt to be the supreme goal of moral action. More important than all individual goods is the friendship with the Lord. Guided by this knowledge, the psalmist prays: "A day in thy courts is better than a thousand elsewhere. I would rather be a doorkeeper in the house of my God than dwell in the tents of wickedness" (Ps 84:10; cf. 27:4; 63:1-4; 84:1-4; Jer 9:23f).

Nevertheless this understanding of man's destiny coexists with another motivation of moral conduct, which is at least equally strong and which is of eudaemonist nature. Earthly blessings are the promises given for a good life and for Israel's faithfulness as a nation, such as wordly possessions, abundance of children, long life, victory in war, a glorious Jerusalem, etc. Alongside these goods, the universal spiritual values of God's reign only maintain themselves with much difficulty.²⁾

The *New Testament* vision of the meaning of human life and of history resumes the valid elements of the OT tradition, but also adds interpretations and images of its own.

Glorification of the Father in heaven was the concern of Jesus during his earthly life (Jn 8:49f; 15:8; 17:4; cf. Lk 2:14). St. Paul exhorts his Christians: "Whether you eat or drink, or whatever you do, do all to the glory of God" (1 Cor 10:31; cf. Eph 1:12; Col 3:17). In many doxologies the early Church proclaims the invitation: "To our God and Father be glory for ever and ever" (Phil 4:20; Rom 11:36; Gal 1:5; Eph 3:20f; 1 Tim 1:17; Jud 25). The reason is that "from Him and through Him and to Him are all things" (Rom 11:36; Heb 2:10). In the Book of Revelation God equally reveals himself as "the Alpha and the Omega, the first and the last, the beginning and the end" (Rev 22:13; also 1:8; 21:6). Thus all creation has its centre in God and is called to contribute to his glory.

1) Gradually, and especially during the Exile, the conviction developed "that in the final age of the world God would bring the variable course of history to a close and complete his creation. This view of history, which achieved greater consistency as time went on, is a phenomenon which gives Israel a unique place in the spiritual history of mankind....Israel brought up the question of the meaning of history in a deeper and more comprehensive way than any other people" (Rudolf Schnackenburg, *Christian Existence in the New Testament*, vol. II. Univ. of Notre Dame Press, 1969, 189).

2) Walther Eichrodt concludes that "no proper comprehension of the dominant goal of all ethical action was ever attained" in the OT (*Theology of the Old Testament*, vol. II. London: SCM Press, 1967, 365).

The idea of God's glory as the ultimate purpose of creation in general and of man in particular gains a new fullness and concreteness in Christ's preaching about the kingdom. Just as the kingdom of God is the principal motive in Christ's ethical teaching, so it is also the most characteristic description of man's ultimate end in the gospels. "Seek first the kingdom of God and his righteousness, and all these things shall be yours as well" (Mt 6:33 par). The kingdom of God is the greatest and most important treasure, for which a man must be ready to sacrifice everything else (Mt 13:44-46). Nothing is more urgent than that a man be prepared and worthy to be admitted to it (cf. the parables of the king's banquet Mt 22:1-14; 25:1-12). Participation in the kingdom and its blessings is Jesus' most important promise in the beatitudes (Mt 5:2-10) and to those who follow him (Lk 18:28-30). The unity of both concepts, of God's glory and of the establishment of his kingdom, is very aptly expressed in the first petition of the "Our Father", where Christ teaches his disciples to pray foremost of all: "Hallowed be thy name, thy kingdom come" (Lk 11:2 par).

In the letters of the apostles, Christ's invitation into his kingdom is replaced by the summons to prepare for the second coming of the Lord, which is looked upon as that last event which will bring about the final establishment of the kingdom of the Lord (1 Cor 1:7f; Phil 1:10; 1 Thess 3:13; Jas 5:8; 1 Pet 1:13). Therefore Christians have no abiding city in this world. They are strangers and pilgrims here on earth. Their homeland is in heaven (2 Cor 5:8f; Phil 3:20f; Heb 11:13-16).

Sometimes the person of Christ acquires a cosmic character. Not his kingdom but he himself is described as the ultimate end of history. This thought is developed in the epistle to the Colossians (1:15-20) and in Ephesians 1:10: This is God's "plan for the fullness of time, to unite all things in him, things in heaven and things on earth." Christification of mankind, then, and of all things would be the goal of history.

In the Book of Revelation the concept of the kingdom of God is complemented by the metaphor of the new Jerusalem, whose appearance will reward and crown the struggle of the children of God against the forces of evil. The seer sees "the holy city, the new Jerusalem, coming down out of heaven from God." And he hears "a great voice from the throne saying, 'Behold, the dwelling of God is with men. He will dwell with them, and they shall be his people, and God himself will be with them'" (Rev 21:2f; also 21:10). The new Jerusalem is again of cosmic character, comprising all creation, since it is also described as "a new heaven and a new earth"

(Rev 21:1). The same thought occurs in the second letter of St. Peter. "Waiting for and hastening the coming of the day of God...we await for new heavens and a new earth in which righteousness dwells" (3:12f).

2. Theological reflection

When Scripture describes the ultimate end of man as God's glory, his kingdom, the new Jerusalem, the unity of all things in Christ, the new heaven and the new earth, such assertions are still very descriptive and indeterminate. For the elaboration of the moral norm, a more precise and scientific definition of the ultimate goal of man and creation would be desirable. Nevertheless the statements of Holy Scripture contain some very basic insights.

First, creation is not the event of a blind fate or irrational demiurge, but the outcome of a wise and provident creator who has structured it according to a discerning plan and comprehensive purpose. Second, this purpose is most intimately related to the divine realities and is therefore lastly of a religious and not profane character; it culminates in the fellowship and community with God. Third, the final goal is not primarily centred in the individual's perfection and bliss, not even in the welfare of social groups; rather it embraces mankind as a whole and beyond it the totality of creation; it is of universal and cosmic nature. And fourth, this goal brings about a condition far better than the present one. It relativizes all present achievements and denies to any human institution the status of the final answer. It ever anew challenges man to transcend the limitations of the present and affirms the possibility of reform and improvement. Yet the final answer to man's longings will be given not in terms of earthly attainments, but in terms of a transformation that belongs to another world.

The following expositions concerning the ultimate goal of man and creation are above all inspired, though not exclusively, by the Pastoral Constitution on the Church in the Modern World of Vatican II (cf. especially GS 33-39). Its contributions to this question are of great value indeed.

Christians, on pilgrimage towards the heavenly city, should seek and savour the things which are above (GS 57). This includes their obligation to foster communion with God, through the praise of his name, through prayer and contemplation, through liturgical worship in community, through the sacramental life. For the

human is ultimately "directed and subordinated to the divine, the visible likewise to the invisible, action to contemplation, and this present world to that city yet to come, which we seek" (SC 2; cf. 10).

Yet the vocation of Christians to community with God and to divine worship in no way decreases, but rather increases, the weight of their obligation to cooperate in the development of this world, to contribute to earthly progress, and to work for the perfection of creation (GS 57). In relation to this world, God's glory is achieved by the unfolding of the Creator's work and the realization of the divine plan in history. Men "can justly consider that by their labour they are unfolding the Creator's work, consulting the advantages of their brother men, and contributing by their personal industry to the realization in history of the divine plan" (GS 34; also 67). Hence men attain to community with God by the contemplative life of worship as well as by their active cooperation in the realization of the divine designs. This truth has been expressed from of old by the apposite motto of the Benedictine Order: *Ora et labora*, pray and work.

The unfolding of God's creation in particular is accomplished by the completion of several basic tasks. Man is called to subdue the earth and all that it contains. He is ordered to this by God already in paradise (Gen 1:26-28). This duty is again and with new emphasis pointed out by Vatican II: "For when, by the work of his hands or with the aid of technology, man develops the earth so that it can bear fruit and become a dwelling worthy of the whole human family,...he carries out the design of God. Manifested at the beginning of time, the divine plan is that man should subdue the earth, bring creation to perfection," and advance the progress of mankind (GS 57; also 34). Man is to harness the potentialities of the earth and to develop nature by his work.

Man likewise has the task to develop himself. "Just as human activity proceeds from man, so it is ordered toward man. For when a man works he not only alters things and society, he develops himself as well. He learns much, he cultivates his resources, he goes outside of himself and beyond himself. Rightly understood, this kind of growth is of greater value than any external riches which can be garnered. A man is more precious for what he is than for what he has" (GS 35; cf. 57). Society is to help man in his task to develop his abilities and to mature to full human dignity. The social order "must unceasingly work to the benefit of the human person" (GS 26; cf. 9). This includes the effort to increase real freedom and equality among men, "not by reducing everyone to some average level but by giving everyone opportunity to realize

his highest potential.”¹⁾ Ultimately, of course, man is “to relate himself and the totality of things to Him who was to be acknowledged as the Lord and Creator of all” (GS 34).

The commitment to the progress of the earth furthermore involves participation in the life of social groups and promotion of the union of love among mankind. Indeed man cannot even find his full humanity except through a sincere gift of himself (GS 24; 42; 57). It devolves on him to foster the process of wholesome socialization in the civic, economic and political realms. For God did not create man for life in isolation, but for the formation of social unity. “This solidarity must be constantly increased until that day on which it will be brought to perfection. Then, saved by grace, men will offer flawless glory to God as a family beloved of God and of Christ their Brother” (GS 32).

The commitment to unity and solidarity implies the commitment to peace. Peace is premised upon mutual acknowledgement and fairness. This holds for the relations between individuals as well as between nations. “There can be no peace unless the community of mankind is given priority over national interests....The peace of mankind can be achieved only by a process of intensified and mutual acknowledgement of different national concerns and cultural styles. In such acknowledgement it is possible to anticipate a provisional realization of the eschatological unity of mankind.”²⁾

Through dedication to these tasks in the service of creation and mankind, man is preparing the material for the celestial realm (GS 38). And although earthly progress must be carefully distinguished from the growth of Christ’s kingdom, it is of vital concern to the kingdom of God (GS 39). Therefore, concludes the council, “let there be no false opposition between professional and social activities on the one part, and religious life on the other. The Christian who neglects his temporal duties neglects his duties toward his neighbour and even God, and jeopardizes his eternal salvation....In the exercise of all their earthly activities, they can thereby gather their humane, professional, social, and technical enterprises into one vital synthesis with religious values, under whose supreme direction all things are harmonized unto God’s glory” (GS 43). It is a mystery of human history, but nevertheless a reality, that the earthly and the heavenly city penetrate each other (GS 40).

¹⁾ Wolfhart Pannenberg, *Theology and the Kingdom of God* (Philadelphia: Westminster Press, 1969), 121.

²⁾ *Ib.* 125.

The Christian vision of the future is characterized by confident hope, but its mark is not a naive optimism. "This must be said, because some theologians, especially of the secularizing sort, do seem to have come close to reducing Christian hope to a brash optimism based on the achievements of secular man and hardly to be distinguished from old-fashioned theories of progress."¹⁾ The countless individuals who have suffered for a lost cause, whose ideals have been defeated, who have been victims of injustice, misery, pain of body and agony of spirit defy any theory which considers merely worldly progress as the ultimate end. The eschatological understanding of the kingdom does not allow any particular social program to be mistaken for the kingdom. The kingdom is always more than secular progress. It culminates in the fellowship with God and the communion of saints.

The time for the consummation of the earth and of humanity is unknown to us. Neither do we know how all things will finally be transformed and how creation in its final perfection will look. Such knowledge is beyond human insight. As deformed by sin, the shape of this world will pass away. And the new dwelling prepared by God will answer and surpass all the longings for peace which spring up in the human heart (GS 39).

Taking up at this point the language of Holy Scripture, the Council explains that the Lord himself "is the goal of human history, the focal point of the longings of history and of civilization, the centre of the human race, the joy of every heart, and the answer to all its yearnings....Enlivened and united in His Spirit, we journey toward the consummation of human history, one which fully accords with the counsel of God's love: 'To re-establish all things in Christ, both those in the heavens and those on the earth' (Eph 1:10)" (GS 45; cf. 10).

V. Salvation and the moral demand

Besides the glory of God and his kingdom, the books of Holy Scripture also indicate with great frequency man's salvation as the purpose of a good life and as the motive for obeying God's commandments. Salvation holds a very important place among the motives and goals of the moral effort in Holy Scripture and subsequently also in the piety of the Church. The question arises as to the role and rank of this goal. May a Christian aim at salvation as

¹⁾ John Macquarrie, *Three Issues in Ethics* (New York: Harper and Row, 1970), 142.

the principal goal of his moral action? Or must the motive of salvation always be subordinated to the glory of God as the centre of all values? How is the aim of man's personal salvation related to the goal of God's glory and kingdom? Finally, is there also a temporal aspect to salvation and is there a place in it for liberation from temporal evils? These are the questions to be studied in the following sections.

1. *Role of salvation in Holy Scripture*¹⁾

Salvation is as much a key biblical concept as the concepts of God's glory and kingdom. The notion of God who saves his people is a recurrent theme in the *Old Testament*. This salvation is often a liberation from temporal afflictions, but it also constitutes an eschatological promise. Whenever Israel found herself in a time of crisis from which God delivered her, she experienced God's salvation. Especially at the time of the exodus God saved Israel by ransoming her from the power of Egypt (Ex 14:13; Ps 106: 8.10.21; Is 63:8f). But also on many other occasions the Patriarchs and the chosen people experienced the saving hand of God. In each time of impending disaster, therefore, Israel turned to Yahweh "in order to be saved" (Jer 4:14; 1 Mac 4:30). She knew that besides her God there is no saviour (Is 43:11; Hos 13:4).

The title "Saviour" for Yahweh becomes a major theme of prophetic eschatology. Prophecies concerned with "the last days" describe under various pictures the final salvation of Israel. Yahweh will save his people by leading them back to their land (Jer 23:6). He will save his sheep by bringing them to good pasture (Ezek 34:22). He will deliver the house of Israel from all its impurities by giving it the gift of his Spirit (Ezek 36:29). Salvation will be the essential act of Yahweh in that future time of grace when he will come to restore his people and all the earth in justice and holiness (Is 45:22; 51:7-10; 61:10f; Jer 31:7-9). To achieve it he will send his servant, who will be made a light to the nations, that the Lord's salvation may reach to the ends of the earth (Is 49:6.8).

Salvation obtains an even more important place in the *New Testament*. The Gospels regard salvation as the purpose of Christ's life. He has come to earth to save that which was lost (Lk 19:9f; Jn 5:34; 10:28), to save the world and not to condemn it (Jn 3:17;

¹⁾ Cf. "Salvation", *Dictionary of Biblical Theology*, ed. by X. Léon-Dufour, 1967, 457-461.

12:47). The evangelists Matthew and Luke underline Jesus' role as saviour from his very infancy. The child conceived by Mary shall be called Jesus because "he will save his people from their sins" (Mt 1:21). The angels announce to the shepherds the glad news that to them is born that night a saviour (Lk 2:11). Zechariah and Simeon hail in Mary's child the dawn of salvation promised by the prophets (Lk 1:69-71.77; 2:30). And the preaching of John the Baptist makes ready the ways of the Lord so that "all flesh shall see the salvation of God" (Lk 3:6).

The message of the apostolic community has for its object the salvation of Jews and Gentiles (Acts 13:26.47; 28:28). The good news about Christ is defined as the "message of salvation" (Acts 11:14; 13:26). Christ is the saviour (Acts 5:31; 13:23), and "there is no other name under heaven given among men by which we must be saved" (Acts 4:12). The apostles then offer men the only "way of salvation" (Acts 16:17).

The letters of the apostles preach salvation as the meaning of Christ's life. God desires the salvation of all men (1 Tim 2:4; 4:10). For this reason he has sent his Son as saviour of the world (Heb 5:9f; 1 Jn 4:14), and has made the gospel an instrument for the salvation of every believer (Rom 1:16). In preaching it, an apostle has no other purpose but the salvation of men (1 Cor 9:22; 10:33). Salvation is also the meaning of the Christian life. The gospel confronts men with a choice between salvation and doom, life and death (2 Cor 2:15f; 2 Thess 2:10). With fear and trembling a man must work out his salvation (Phil 2:12), which is the object of the Christian hope (1 Thess 5:8f). Salvation is the final event at the end of time. God guards those who are chosen "for a salvation ready to be revealed in the last time" (1 Pet 1:5; 1 Cor 5:5). The manifestation of the Lord and saviour will bring about "the salvation and the power and the kingdom of our God and the authority of his Christ" (Rev 12:10).

Man's salvation is likewise described under many other concepts and metaphors, such as consolation and reward, the peace and justice of God, liberation, divine sonship, vision of God, and above all as eternal life. For Christ came "that whoever believes in him may have eternal life" (Jn 3:15; also Mk 10:30; Jn 5:24; 10:10.28; Rom 6:22, 1 Tim 6:12; etc). Salvation appears as the human side of the glorification of God and of the presence of his kingdom among men. People who give God his glory, men who belong to his kingdom, are the ones who are saved. Those who refuse to glorify God and reject the invitation into his kingdom call down perdition upon themselves.

2. *Role of salvation in theological thought*

Theologians regard the striving after salvation as lawful and even as obligatory, although they usually judge it to be subordinated to the glory of God as the centre of all values. For there is only one ultimate goal, and that is God's glory and kingdom. On the other hand, the biblical teaching does not give the impression that man's final salvation is to be only a secondary motive in the endeavour to live a life faithful to God's will, and that it would be a distortion of the right order to aim at salvation directly as a principal goal. It is hard to find in the holy books a definite subordination of man's salvation to any other purpose or goal.

B. Häring at any rate warns that the moral directive addressed to beginners, or also to those estranged from God, may not neglect the prudent appeal to man's craving for happiness and his legitimate concern for his own salvation. True, the motto "save your soul" may not be perverted into an invitation to egocentric moral-religious effort. But it must be clearly understood that the legitimate interest in self, the unrest of the soul far from God, is like a crevice through which the heavenly light can penetrate to the soul imprisoned in sin. Finally, Häring continues, it is scarcely possible for us pilgrims in this earthly sojourn to attain a degree of perfection in love in which the innate desire for happiness need not be called upon to assist our progress.¹⁾

Perhaps such a detachment from the desire for happiness must not even be aspired to in the case of salvation. The reason is that salvation of the soul in the Christian sense is something altogether different from a merely self-centred type of morality. Salvation is a condition which — unlike pleasure — does not comprise only the fulfilment of some particular inclinations in man; it concerns the good of the whole person and beyond it of the whole people of God. Salvation is community with Christ, who is himself both Saviour and Salvation; it is union with God. Since salvation then signifies a condition in which everything is right and whole, and a state which is by its nature centred in God, Holy Scripture does not find objection in placing salvation and eternal life before man as the ultimate reward for a faithful life and the final goal to be aimed at by him.

Furthermore man is able to strive after any kind of goal only if he experiences it in some way as good and valuable, i.e. he must find joy and fulfilment in its realization. This joy and inner

¹⁾ B. Häring, *The Law of Christ I*, 1966, 50

fulfilment is willed by God as a spontaneous sense and criterion for man to discover the valuable and is an incentive to strive after its realization. Joyful appreciation, then, is so essentially connected with any kind of value in general, and also with the highest values of God's glory and kingdom in particular, that without this sense of appreciation a value could not be pursued, because it is not even understood and known as such. Happiness accordingly has a positive function and is not merely a human weakness, just to be tolerated. God himself is infinite happiness and beatitude. Taking this into consideration, man can hardly be blamed for being moved by inferior motivation when he pursues genuine values because he experiences them as the fulfilment of his longings or when he adheres to God's will because this is his salvation.

But if man is justified in striving after salvation as the final aim of his life, and if on the other hand God's glory and kingdom are to be the ultimate end of man and all creation, is man then not confronted with two ultimate goals? But only one goal can really be the ultimate one. In fact both, man's salvation on the one hand and God's glory and kingdom on the other, are two aspects of the same identical reality. Man's final salvation consists only and solely in the reign of God, and wherever the kingdom of God is, there is necessarily salvation. Both goals are always realized together. The ultimate purpose of God's demand is with regard to God, his glory, and with regard to man, salvation.

The close unity between the kingdom of God and the salvation of man should make it plain that salvation has also a temporal, terrestrial dimension, just as the kingdom of God includes a commitment to the development of the world. Salvation therefore may not be too narrowly understood as reward and happiness in the other world to the neglect of man's concern for the conditions of this world and of his calling to improve them. Such a tendency would indeed be liable to the criticism of Marx and others that religion betrays the cause of the poor in the world.¹⁾

Pope Paul VI does not hesitate to affirm that the Church "has the duty to proclaim the liberation of millions of human beings, many of whom are her own children — the duty of assisting the birth of this liberation, of giving witness to it, of ensuring that it is

1) It is the particular concern of liberation theology to overcome any other-worldly bias in Christian religion and to commit the Church to the cause of the poor and to their liberation from oppressive structures and institutions. One of the most balanced presentations of Latin America's liberation theology is *A Theology of Liberation* by Gustavo Gutierrez (New York: Maryknoll, 1973).

complete.”¹⁾ She joins in the effort and struggle of men to overcome everything which oppresses them, famine, chronic disease, illiteracy, poverty, injustices in international relations, situations of neo-colonialism.

Yet Christian ethics could not agree that liberation be restricted to the mere dimension of economics, politics, social and cultural life. “The Church links human liberation and salvation in Jesus Christ, but she never identifies them, because she knows through revelation, historical experience and the reflection of faith....that in order that God’s Kingdom should come it is not enough to establish liberation and to create well-being and development.”²⁾ The earlier reflections on the ultimate goal of human life have shown that temporal welfare alone does not suffice to give meaning to human life, least of all to the lives of those many people who are never able to attain this goal of well-being.

It must also never be forgotten that liberation includes as one of its most urgent tasks the struggle against the bonds of selfishness and sinfulness in man’s own heart. The best structures remain ineffective and soon become inhuman if those who live in them do not undergo a conversion of heart and free themselves from the serfdom of sin. “As the kernel and centre of his Good News, Christ proclaims salvation, this great gift of God which is liberation from everything that oppresses man but which is above all liberation from sin and the Evil One, in the joy of knowing God and being known by him, of seeing him, and of being given over to him.”³⁾

C. The categorical character of the moral demand

In every moral decision, and above all when his moral integrity is endangered, man senses that his response to God involves his very existence, his salvation. The moral obligation is expression of an imperious will, which commands unconditional obedience. In contradistinction to hypothetical rules, e.g. the rules of logic, esthetics, grammar, which are stated for temporal ends and which bind only insofar as a man determines himself by his own choice to attain these ends, the moral laws are categorical. It is not left to a man’s free choice whether he wants to follow them or not. They demand unreserved obedience and do not permit denial

1) Pope Paul VI, apostolic exhortation *Evangelii Nuntiandi*, 1975, no. 30. Note the entire, careful discussion of liberation theology by the pope, no. 30-39.

2) *Ib.* no. 35.

3) *Ib.* no. 9.

of submission, because they are concerned with the very purpose of man's existence and with the very goals of the Creator himself.

Holy Scripture is deeply conscious of the categorical character of God's command.¹⁾ God will not permit his will being disobeyed without avenging it. The *Old Testament* assures lasting blessings to those who obey God's commandments and laws, but it threatens severe chastisements to those who disobey them. The statutes of the Sinai covenant, which stand at the very beginning of Israel's history, are sanctioned by the promise of blessing and the menace of curses (Ex 23:20-33; Lev 26; Deut 28; 30:15-20). The prophetic books are full of references to divine judgements on the just and sinner. Yahweh will bring Israel and the nations which have sinned against him to trial (Is 3:13f; Joel 3:2; Zeph 3:8). He appears as a shepherd who sorts out the good and the bad in his flock (Ezek 34:17-22), as a labourer in the harvest who threshes out the grain (Is 27:12; Jer 15:7), as a gardener who selects the good figs from the bad ones (Jer 24:4-10). Also in the books of the wisdom literature the idea of retribution is well attested (Ps 1; 94; Eccl 12:14; Wis 1:7-14; Sir 16:11-13). "Everyone will receive in accordance with his deeds" (Sir 16:14; Ps 62:12; Prov 24:12).

The primitive teaching conceived of retribution as taking place in this world. "Victories and defeats, prosperity and trials, sickness and want, fruitfulness and abundance of offspring, happiness, health and wealth, friendship, love and honour were all counted as retribution coming from God"²⁾ (cf. Deut 4:40; 28; Judg 2:11-15; Prov 3:1f; 10:27-30; 22:4; etc.) However this doctrine had its difficulties, since the just man also was not rarely found to be afflicted by tribulations (cf. the Book of Job), while the evildoers seemingly prospered. Nevertheless these incongruities did not destroy the firm conviction of a just retribution for good and evil. The concept of retribution simply went through a process of spiritualization. In the Book of Wisdom the idea of retribution is absolutely transcendent. Retribution here consists either in everlasting union with God and in a share in his eternal kingship and dominion, or alternatively in the loss of them (Wis 1-6). Death and life become the expression for transcendent recompense (Wis 5:15).

The purpose of the divine judgements is first of all the vindication of God's honour. Yahweh is vitally concerned about his

1) Cf. the articles "Judgment" and "Retribution" by Wilhelm Pesch, *Encyclopedia of Biblical Theology*, ed. by J. Bauer, 1970, 442-449 and 764-770.

2) "Retribution", *Encyclopedia of Biblical Theology*, 1970, 766.

glory and the hallowing of his name, and he will not leave unavenged their contempt (Is 48:11; Ezek 39:21-25; Sir 36:1-6). But the divine chastisements also stand in the service of God's grace. They are means of correction which, if possible, make for salvation. God will once again look upon his people, if they return to him (Is 1:25f; Ezek 14:21-25; Hos 2:16-23). This is even true of the pagan nations: Yahweh will smite and heal Egypt (Is 19:22) and show mercy towards the nation which repents (Jer 18:7f).

In the *New Testament*, the expectation of a final judgement, which will take place on a certain day, occupies an important and even central place. Christ himself announces a decisive judgement over all mankind (Mt 25:31-46, etc.). This day will bring salvation for those who believe and do good, but damnation for those who refuse to repent and to believe, who do not show mercy but instead do evil (Mt 11:20-24 par; 12:41f par, Rom 2:5-11; 2 Thess 1:5-10; 2 Pet 2:9). The doctrine of the approaching judgement gives the New Testament a sense of profound seriousness. It calls for decisive action, a state of readiness and an honourable way of life (Mt 24:23-25:13; Lk 13:1-9; Phil 1:9-11; 1 Thess 3:13; 1 Pet 4:7f).

The nature of the retribution is essentially spiritual. In spite of all metaphorical expressions, the ultimate alternative is one: eternal life or eternal death. "The result of the judgement is described as, on the one hand, eternal joy, blessing, honour, good estate, peace, happiness, and the blessed company of God; on the other, as darkness, weeping, gnashing of teeth, punishment by fire, fear and terror, torture and ruin, eternal separation from God."¹⁾ The retribution exceeds all temporal dimensions. Its qualification as eternal signifies that it is timeless and transcendent. Only occasionally is a reference made to divine retribution of a temporal nature (Mk 10:30 par; Lk 13:1-5; 1 Cor 11:30).

The criterion for the judgement is not any national or collective standard, but is of a purely religious and moral nature. Everyone will be judged according to his attitude to Christ (Mt 10:32f; Mk 8:38; Jn 3:18) and according to his works (Mt 12:33-37; Rom 2:6-11; 2 Cor 5:10; Jas 2:14-26). And since all the works of fraternal charity have a hidden relation to Christ, even those who are not conscious of such a relation of their deeds will be judged according to the law of Christ. "As you did it to one of the least of these my brethren, you did it to me." And reversely, "as you did it not to one of the least of these, you did it not to me" (Mt 25:40.45).

¹⁾ "Judgment", *Encyclopedia of Biblical Theology*, 1970, 447f.

This teaching of Holy Scripture most forcibly confirms the universal testimony of conscience that the moral demand is categorical and does not tolerate disobedience and contumacy. This testimony is first of all the experience and perception of a reality, just as joy or sorrow are experiences of facts and not in the first place logical conclusions.

Nevertheless there are also *intrinsic reasons* which explain the necessity of a categorical, moral order and prove its need. These reasons are found in the truth that in the moral decision the very purpose of God's work is at stake and with it the meaning of man's existence. Under the presupposition that the purpose of human life and creation at large is the realization of God's plan for the world, the unfolding of his divine designs and the glory of God, the categorical character of the moral demand is a logical conclusion. It is man's unconditional obligation to respect this purpose and to contribute to its realization. To obey or to disobey the moral order means to serve or to obstruct God's glory and the establishment of his kingdom; it means to realize or to defeat the ultimate end of man and creation. As a consequence, also man's salvation or perdition is at stake in the moral decision. For acceptance or rejection of the moral demand in the final analysis means ultimate fulfilment or frustration of human life.

The conviction that man and the world exist for a purpose which has been decreed for them by God is however not a mere act of faith without further rational foundation. The supremely wise order in the entire creation and its organic, determined, single-minded evolution give eloquent witness to this, that the universe has been created according to a coherent, purposeful plan. Likewise the correct concept of God as the wise and provident source of all beings leads to the compelling conclusion that God has set a purpose to the world and endowed it with a value worthy of its Creator. This argument will once more be taken up in the following chapter in the discussion of God's eternal decrees.

D. Fundamental role of docility to the guidance of the Holy Spirit

Since the concrete nature and design of the ultimate goal of human history and creation is not known to men but only to God alone, mankind needs to be open to the guidance of the Holy Spirit. Through his inspirations the Holy Spirit moves men and women again and again to choose the way which God wants them

to go when the insights of reason come to an end. The Church has always been conscious of the need for such guidance, as is testified by her teaching on the seven gifts of the Holy Spirit, which are considered completions of the religious and moral virtues (cf. Is 11:2, the liturgy of Pentecost and of the sacrament of confirmation).¹⁾ In our present age, the charismatic movement has been reminding Christians of all denominations with no little success of the need for openness to the promptings of the Holy Spirit and to his activity in the midst of God's people.

Naturally the question immediately arises as to how a man can discern whether his ideas and desires come from the Holy Spirit or from some other source of merely natural and less pure character. Popular presentations about the working of the Holy Spirit often leave the impression that the whole matter of "discerning the Spirit" is easy and obvious. But the best spiritual and theological writers take quite another view. The discernment of spirits is a matter which requires great care, discretion and caution.

Holy Scripture frequently speaks of God as the source of good insights and decisions. But it is also greatly concerned that the spirits which move and influence a person be carefully tested. St. Paul lists among the charisms given in the Church "the ability to distinguish between spirits" (1 Cor 12:10). There are some who possess the gift of discernment in a greater degree than others. Nevertheless all Christians are expected and admonished to exercise discernment. "Test everything," St. Paul writes to the Thessalonians, "hold fast what is good, abstain from every form of evil" (1 Thess 5:21f). And St. John warns: "Beloved, do not believe every spirit, but test the spirits to see whether they are of God" (1 Jn 4:1).

The condition for the discernment of spirits is conversion of heart and the effort to live a life pleasing to God. "Do not be conformed to this world but be transformed by the renewal of your mind, that you may prove what is the will of God, what is good and acceptable and perfect" (Rom 12:2; cf. Eph 5:6-10). It is therefore Paul's prayer that his Christians may grow ever richer in love and insight of every kind and thus obtain the gift of true discernment (Phil 1:9f).

Just as a life of obedience to God's will is the condition for right discernment, so it is also a criterion for testing the spirits. Those who are led by God's Spirit keep the commandments,

¹⁾ The seven gifts of the Holy Spirit are wisdom and understanding, counsel (or right judgement) and fortitude, knowledge and piety (or reverence), and fear of the Lord.

especially the commandment of brotherly love, while those moved by false spirits do not; rather they pursue selfish ambitions (1 Jn 3:10.24; Jas 3:13-18).

A second criterion is a person's attitude to Jesus. Just as one cannot confess the lordship of Jesus except under the influence of God's Spirit, so also one who curses the Lord cannot be speaking by the influence of this Spirit (1 Cor 12:3). "By this you know the Spirit of God: every spirit which confesses that Jesus Christ has come in the flesh is of God, and every spirit which does not confess Jesus is not of God" (1 Jn 4:2f). The false spirits profess erroneous doctrines, while those who are guided by the Spirit of God hold on to the true faith.

A third criterion is the good or evil fruits a teaching or an action produces. Whether a prophet or teacher is from God or not, is determined in this way. "Beware of false prophets...You will know them by their fruits" (Mt 7:15-20). But other persons also and indeed every human heart are tested in this way. "For no good tree bears bad fruit, nor again does a bad tree bear good fruit; for each tree is known by its fruit" (Lk 6:43f; cf. Mt 12:33-35).

A fourth criterion is obedience to the leaders in the faith. "We are of God. Whoever knows God listens to us, and he who is not of God does not listen to us. By this we know the spirit of truth and the spirit of error" (1 Jn 4:6). Those who are guided by the true Spirit obey the rightful leaders of the Church, while disobedience is the mark of false spirits.

The criteria offered by Holy Scripture are pertinent and helpful. But it must be admitted that it is not always easy to apply them. It is not always evident which of two theological doctrines is the true and which the erroneous one. And even sincere leaders in the faith are not always right. Authority alone does not suffice to discover God's will. *Theologians and spiritual writers* therefore have tried to define the criteria further and to develop rules for the discernment of spirits.

For every man and woman the challenge remains to take personal responsibility for the faith-decisions they make. Divinely constituted authority can help to gain greater clarity in the interpretation of God's will, but it cannot normally substitute for a person's own moral decision. Therefore every person must open the heart to God and be attentive to his word and call. This opening up to God demands prayer. "Prayer is truly relevant, both for the apostle and for the ordinary Christian, insofar as it is in prayer that we hear God and discover his will for us in the specific

circumstances of our life.”¹⁾ The urgency of prayer for the discernment of spirits is a well-known doctrine in the tradition of Christian spirituality and of other religions as well.

Yet a merely occasional prayer, said perhaps in the moment a decision has to be made, is not sufficient. The art of interpreting God’s will requires an experience of God and of his desires for us and for the world. It requires an instinctive sensitivity for his intentions and the acts that please him. Only by years of experience and fidelity in prayer does one arrive at such a spontaneous tuning in to God’s will. In view of this it can justly be said that “the roots of moral knowledge are contemplative.”²⁾

Hand in hand with the spirit of prayer must go the striving after truth and goodness. Docility to the Holy Spirit presupposes a humble, unselfish heart, able and ready to listen. One does not presume that a proud person is listening to the Spirit. This is why knowledgeable directors have always discounted alleged divine phenomena in proud or disobedient people. Unpartial listening to the Spirit is impossible for those who are under the influence of selfish desires, biased interests and preconceived ideas. Discernment of spirits demands detachment from bias and partiality. In the classical terminology of St. Ignatius of Loyola, it demands the attitude of indifference, not wanting riches above poverty, longer life rather than a shorter one, health rather than sickness, fame rather than lowliness.

Nevertheless even the man of prayer and the saint are not automatically assured of a correct grasp of God’s will in every individual case. The rules for the discernment of spirits are further aids which try to assist a person in the responsible task of discerning the will of God. The more important ones are the following:

1. God always works in peace and usually slowly. God does not want to create turmoil. Rather, conflicts of the soul will cease, as is to be expected, once a person has attained to harmony with God. Decisions which conform to his will are accompanied by inner peace.³⁾

1) Thomas H. Green, *Opening To God: A Guide to Prayer* (Notre Dame, Ind.: Ave Maria Press, 1977), 47.

2) Daniel C. Maguire, “The Encyclopedia of Bioethics”, *Theol. Studies* 41 (1980), 758.

3) Thomas H. Green illustrates this point by an example from a country where many families are poor. A seminarian feels confronted with a dilemma: He wants to

2. Enlightened discernment usually needs the help of objective evaluation by others. It has been said that he who guides himself has a fool for a guide. This does not mean to say that a person should never make decisions entirely on his own responsibility. But it is undoubtedly true that he who listens only to himself has a fool for a hearer. In matters of divine inspirations the likelihood of illusion and self-deception is so great that an objective evaluation is indispensable.

3. The communal context of moral decision-making must be respected. "The self becomes, decides, and acts in community. This is true for Christian and non-Christian alike. The communal context is always a critical component for ethics. The location of the self matters immensely for the shaping of its morality."¹⁾ The single most important community for Christians is the Church. Flat disregard of the teachings of the Church is a clear indicator of inauthenticity. This does not mean that justified disagreements with magisterial teachings are not possible. They are. But it means that the teachings of the magisterium of the Church must always seriously be taken into consideration and in cases of doubt enjoy presumption in their favour. A moral tradition is a major source for ethical insight. "Thus the church is the necessary context for relating the Christian's moral life to his or her identity as Christian."²⁾

4. The workings of the good spirit are discerned by the good results which ensue and the workings of the false spirits by the evil results. At first sight this seems to be not much more than a platitude. Perhaps this is the reason why this criterion, which is otherwise so clearly expressed by Christ, is hardly mentioned by the spiritual writers. Among moral theologians of today, however,

continue for the priesthood and yet his family is in financial need. Should he leave or should he stay? What really is God's will for him? In this case it is very helpful to ask: "How do you feel about it when you are most at peace? — when you are at prayer and emotionally quiet and most open to whatever the Lord wants?" Very often the seminarian will reply: "At such times I always feel God is asking me to persevere and he will take care of my family. It is only when I am reflecting on it outside of prayer that doubts arise." In such a case one can confidently say that it is God's will for him to persevere (l. c. 51f).

¹⁾ Bruce C. Birch and Larry L. Rasmussen, *Bible and ethics in the christian life* (Minneapolis, Minn.: Augsburg Publ. House, 1976), 66.

²⁾ Ib. 132. For a detailed treatment of the norms for religious assent within the Church, see "Duty of submission to the teaching authority of the Church" in vol. II, part I, ch. I.

there is a trend to give much attention to the results or consequences of an action. There are time and again situations where people have to adopt an attitude of wait and see. If only people would be always intent enough on scrutinizing carefully the good or evil consequences of their theories and actions or those of others. Some teachings sound very ideal in theory, but are dismal in practice. They may speak of justice, equal rights, scientific progress, better life. But if their fruits are disregard for religion, e.g. Sunday worship (which will be taken care of once justice is attained), commitment to violence as a normal means of strategy, light-minded destruction of human lives, creation of new outlaws, and the like, then the fruits have judged the tree.

5. A basic criterion for the discernment is finally a person's love for Christ and the Holy Scriptures. Christians find the pattern of their lives in the life of Christ. "To know God's will is basically to test our inspirations against the scriptures in which God is revealed to us through his Son."¹) For this reason Holy Scripture should be the most important meditation book of every Christian.

Vatican Council II is convinced of the fact that an immediate guidance by the Spirit exists also among the people of God. It is aware of the need to be open to his inspirations and thus receive insights which reason alone cannot attain.

"The People of God believes that it is led by the Spirit of the Lord, who fills the earth. Motivated by this faith, it labours to decipher authentic signs of God's presence and purpose in the happenings, needs and desires in which this People has a part along with other men of our age" (GS 11). Christ is at work in the hearts of men "through the energy of His Spirit". He animates, purifies and strengthens the noble longings by which the human family strives to make its life more human, to bring creation to perfection, and to prepare the age to come (GS 38).

This guidance is not given to Christians alone, although they receive "the first-fruits of the Spirit" (Rom 8:23). Grace is at work in the hearts of all men of good will. For "since the ultimate vocation of man is in fact one, and divine, we ought to believe that the Holy Spirit in a manner known only to God offers to every man the possibility of being associated with this paschal mystery" (GS 22). This statement of the council expresses the important realization that all men receive the guidance of the Holy Spirit in the pursuit of their vocation, even though with different immediacy and clarity.

¹) Thomas H. Green, l. c. 51.

Chapter II

THE MORAL LAW

If man has been given an objective final end by the Creator, he will be under the obligation to make this objective end his subjective end — in other words, to strive after it. And when he looks to that end, an order which has to be followed will become visible to him: the moral order. This moral order is shown to us through the moral law.

Norms and law are often experienced as burdensome and limitations of man's freedom. They evoke little enthusiasm. Men tend to contradict and resist them. Today this tendency is still further enhanced by the great emphasis placed on personal freedom. Nevertheless there is also general agreement that man needs moral norms and institutional protection. Written formulations of the law are not mere luxury items. They are indispensable aids for man in his endeavour to give a meaningful order to his life and to protect it from chaos. They represent the accumulated wisdom of the ages. Evaluated in this light, the written moral law is not primarily a burden, but rather a relief which frees man from the arduous task of elaborating the moral norms for himself ever anew.

From the outset it should also be rightly understood that the moral law is not to be identified with any code of written precepts. Although handbooks of moral theology and ethics strive to elaborate concrete moral norms, and are expected to do so, they are never in a condition to offer complete compilations of all of man's moral obligations. Likewise human verbalizations time and again do not express the moral obligation as perfectly as would be desirable. This is because the moral law is only secondarily a formulated, written law. Originally and primarily it is an unwritten law, inherent in the structure of man's being and of the world around him. Man must know the written moral law and respect it in order to lead a good life. But more is demanded of him than the merely literal observance of the written law in order to live up to his total vocation.

A. Notion of moral law

I. Concept of moral law

Law in the most general meaning is any constant way of acting or reacting, any directive rule of activity. Thus we speak of the laws of physics, chemistry and biology, which work by causative, physical necessity. We speak of the laws of grammar or of arts, which direct free human activity, yet with regard to closer, contingent goals. Moral theology deals with those laws which result from man's obligation to orient all his activity towards the ultimate goal. In the latter two cases the law does not effect physical necessity, but ideal, moral constraint.

a) Moral law in its most universal meaning is a directive ordering man's activity towards the ultimate end. This definition includes obligatory demands as well as counsels, recommendations, permissions. It comprises common laws, concerning all men or groups of men, and personal commands, resulting from an individual call addressed to an appointed person. It includes permanent rulings, e.g. the duty to honour contracts, and temporary, singular orders, e.g. a prohibition of public gatherings during a time of epidemic.

According to definition, every genuine moral law must be good and holy in the sense that it must guide human activity to contribute to the realization of the final goal of human history and of creation, and that it prevents men from obstructing the attainment of this end. Although at first sight it might seem an exaggeration that every moral directive must be a guideline towards the ultimate end, one must keep in mind that even "the most ordinary everyday activities" are expected to contribute to "the realization in history of the divine plan" (GS 34). Therefore the moral directives must be formulated in such a way that these ordinary activities also can really fulfil the task of contributing to the realization of the final goal.

A norm which does not contribute at all to the final end has no moral force binding the will. A command, if not intrinsically related to the final end, must at least through its circumstances be conducive to the end. Thus when God forbids our first parents to eat of the tree of knowledge and when he demands of Abraham the sacrifice of his son, the relation of these commands to the supreme goal consists in this that they prepare and educate man to acknowledge God's divine sovereignty and man's created dependence, a

basic virtue of right moral conduct. A norm, finally, which results in frustration of the ultimate goal is morally evil and its observance unlawful.

b) Moral law, in its narrower meaning, is a directive of obligatory, general and stable character, ordering man's activity towards the ultimate end.¹⁾ Only in this sense can moral law be the object of special moral theology, since only rules of general and stable character can be formulated by a normative science. The unique, individual call resulting from unparalleled, individual conditions escapes the normative science, because the latter has no knowledge of the singular individuality, at least not beforehand.

With regard to the obligatory character of moral law, moral theology is not exclusively concerned with the obligatory but also with the advisable, expedient and permissible. Nevertheless the obligatory rules constitute a very weighty part of the moral directives, and they alone are usually called laws.

II. Division of moral law

Law as the objective norm of morality is divided in natural law, the revealed law of the Old and New Testament, and human law.

The natural law is that moral order which arises from the nature of man and creation and which can be recognized by man's reason. It is also called divine natural law, because its origin is directly traced back to the will of God who created nature and who therewith also willed the laws resulting from it.

The revealed law of the Old and New Testament is of course of divine origin. It may spell out obligations of natural law in order to impart a clearer knowledge of them, as for example the ten commandments (with exception of the third commandment on the Sabbath rest). Or it may enjoin additional obligations, such as the precept of the Sabbath rest and the ceremonial law in the Old Testament or the various sacraments in the New Testament.²⁾ In

¹⁾ Formulated after the definition of Bouquillon in *Theologia Moralis Fundamental*, 2nd edition, p. 190: regula operationum ad finem, obligatoria, communis et stabilis. (Quoted by Mausbach/Ermecke I, 1959, 102.)

²⁾ In the first case, where the revealed law reiterates obligations of natural law, the content of the obligation is natural and only the method or form of communication of its knowledge is supernatural. The technical term used by the classical manuals for this law is *lex supernaturalis quoad modum vel formaliter tantum*. In the second case of additional obligations, both the content (or substance) and the form of revelation are supernatural. The technical term for this is *lex supernaturalis quoad substantiam vel formaliter simul et materialiter*.

contradistinction to the divine *natural* law, the revealed law of Scriptures is called divine *positive* law. It is called "positive" because it is posed or set down by the authoritative will of God, who addresses man in revelation. Positive laws in the strict sense are however only those obligations which are not at the same time obligations of natural law, i.e. those which owe their existence to an additional decree of God's salvific will.

Distinguished from divine law, whether natural or revealed, is human law. Its immediate source of origin is human authority. Human law may also reaffirm obligations of natural law, e.g. the prohibitions of murder or stealing. Yet in many other cases it will set up regulations which are not direct requirements of natural law, but which to a certain extent depend on the free, though reasonable will of the lawgiver, e.g. the voting age or the time needed for the prescription of a debt. Even where the object of human legislation is natural laws, the sanctions for transgressions of these laws, which are usually added by criminal law, are not pre-established by natural law. They can and do vary according to the judicious will of the legislator. Also the very choice of the natural laws which shall be included in a penal and civil code to a considerable extent depends on his will. All human laws therefore owe their existence to some extent to an act of will of the lawgiver, by which they are posed and put into force.¹⁾ They pertain to the category of positive laws.

Human law is subdivided into the civil law of the state and the ecclesiastical law of the Church, which in the Catholic Church is called canon law. The canon law is contained in the Codex Iuris Canonici (= CIC).

Human law is usually distinguished from moral law in the strict sense, which comprises only natural law and divine positive law. Nevertheless it holds that all just human laws bind in conscience. On the other hand unjust laws in principle do not bind in conscience, and often it is not even lawful to obey them, which means that from a moral point of view they are not valid laws at all. Since then all just human laws induce a moral obligation, moral manuals have always included human law in the treatise on law as the objective norm of morality. Human law can be considered as pertaining to the category of moral law in the wider sense.

¹⁾ The difference between moral and human law is well explained by J. Messner, *Social Ethics* (St. Louis and London: Herder Book Co., 1965), 164-167.

B. Law of God in Holy Scripture

I. Law of the Old Testament

1. When the Old Testament speaks of the laws, precepts and commandments of the Lord or when the New Testament refers to the law of the old covenant, they always have in mind the collection of laws which is called *the Torah*. It is contained in the first five books of the Old Testament, the Pentateuch, whose author according to ancient biblical tradition is Moses. Therefore it is also called the Mosaic law. According to the counting of the Talmud, the Torah contains 613 precepts and prohibitions. They are of religious, social and moral nature. Besides norms of natural law, they also comprise numerous cultic prescriptions and regulations of civil law, which have the character of positive laws.¹⁾

These laws look back on a long tradition. In part they date back to the 12th and 11th century before Christ, although other parts of it have been added at later times. It is no longer maintained that the entire Torah has been compiled and written down by Moses himself, just as he is no longer considered the sole author of the Pentateuch. Nevertheless Moses must have been a lawgiver for Israel in more than a rudimentary sense. For only a firm foundation of Israel's identity as a nation could have enabled it to resist the influence of Canaan, when Israel settled in this land. "Only a Mosaic lawgiving can explain the remarkable force and persistence of the true personality of Israel, in spite of all the cases of adaptation and receptive borrowing in their new home."²⁾

A comparison of Israel's law with the law books of other nations of the ancient Orient, such as the Babylonian Codex Hammurabi of the 17th century B.C. or the Assyrian and Hittite law collections of the 14th-13th century B.C., shows many parallels as to content and even formulations. Nevertheless there are also important differences between them, and Israel's law possesses its own distinctive marks.

¹⁾ Norms of natural law are, e.g. the ten commandments with exception of the commandment of sabbath rest (Ex. 20:3-17), the social norms of Lev. 19:11-18, 32-36, and the Shechemite Twelve Commandments (Deut 27:15-26). Positive laws of cultic nature are the commandment of sabbath rest (Ex 20:8-11), the norms concerning peace and sin offerings (Lev 1-5), and the celebration of the appointed feasts (Ex 23:14-17; Lev 25). Positive laws of civil nature are the legislations in Ex 21:2-22:19 and the various laws concerning murder, chastity, court procedures, etc. in Deut 21-25.

²⁾ Walther Eichrodt, *Theology of the Old Testament*, vol. I (Philadelphia: Westminster Press, 1961), 84.

2. The *distinctive character* (as well as the limitations) of Israel's law and ethics have already been discussed in the chapter on the moral teaching of the Old Testament. It was pointed out that Israel's law stands out for its rejection of any class distinctions in the administration of justice; everybody, whether king or subordinate, is subject to the same moral and legal order. Likewise the law is marked by a high regard for human life and the absence of gross brutality in punishments. Yet above all the entire moral and legal order finds its foundation in Yahweh's will. God himself is considered the author of Israel's law. He himself has given it to his people.

Franz Böckle argues that the original ethos of Israel "was situated in the tribe, the clan and the family. The ethical formulations were subjected by a later editor to the covenant, as a protective and legitimizing arrangement instituted by Yahweh."¹ This procedure certainly also holds true for the laws which Israel borrowed and adapted from the legislation of the neighbouring nations. They pre-existed in the legal practice of these nations and were given their divine authority in Israel only at a later stage.²

Nevertheless it is a completely correct insight that not only the moral precepts but also human laws are orders willed by God and sanctioned by his authority. As long as they are authentic and just, obedience to them is obedience to God himself. Moreover Israel did not merely copy the laws of the neighbouring nations; rather they were subjected to a process of selection and adaptation. Here in particular is room for the special guidance and inspiration of Yahweh in the formation of the law, of which Israel is so deeply convinced.

The conviction that Yahweh himself is the author of Israel's law and that the Torah is a gift of his particular favour for Israel (cf. Deut 4:5-8) led to a consequence which can be considered a further distinctive trait of this law. No king or ruler had the right to change it and to conform it to his own likings. "An arrangement which was taken for granted in all other Oriental states was in Israel decisively rejected, for the manifest reason that it contra-

¹ Franz Böckle, *Fundamental Moral Theology* (New York: Pueblo Publishing Co., 1980), 131. According to Alfons Auer, recent research has convincingly proven that the decalogue, i.e., more precisely the "second table" or the fourth to tenth commandment, is of nomadic or semi-nomadic origin and older than the Sinaitic covenant and revelation (*Autonome Moral und christlicher Glaube*. Düsseldorf: Patmos, 1971, 56-61).

² Many will agree with F. Böckle's conclusion "that the essence of the moral order under the old covenant arose as the result of a historical process and therefore cannot be understood as the original divine law" (ib. 133).

dicted the general feeling for justice. The fact that the law of the people was rooted in the will of their God created a solidarity on which the lust for power of the kings was always doomed to shatter.¹⁾

A final trait of Israel's law is the close inter-relation between juridical norms and moral demands. The Torah is not merely a collection of legal statements, but is complemented by moral principles which educate in the spirit of justice and responsibility before God. Behind this arrangement there is the awareness that legal norms alone never suffice to do justice to all the needs arising in the community and much less to God's total claim upon man. The book of Deuteronomy accordingly declares that the primary commandment is that of love for God. This alone can lead the way to a just observance of God's ordinances (Deut 6:5). And when Leviticus 19 lays down the fundamental social law of the Yahwistic religion, it includes in it the all-embracing commandment of fraternal love: "You shall love your neighbour as yourself" (Lev 19:18). These norms are characteristic of the high ethos which generally marks Israel's law.

3. Besides its merits, however, the Mosaic law doubtless also has its *limitations*. It is not a perfect law. (Otherwise there would have been no need of a more perfect law in the new covenant). Certain deficiencies concerning moral attitudes and norms have been mentioned in an earlier context, e.g. the limitation of fraternal love to the Jewish community or the toleration of polygamy.²⁾

Here special attention shall be called to an imperfection which concerns the understanding of the very nature of laws. The problem results from the close interweaving of moral precepts on the one side and positive laws of juridical and cultic nature on the other. It is a common occurrence that these two different kinds of laws are not sufficiently differentiated in the early and less developed states of cultures. But it is an imperfect condition which harbours the danger of aberrations and conflicts.

Moral laws are of a more universal nature and less subject to change than positive laws. They are expressions of the order of creation and in that capacity possess an element of immutability. Positive laws on the other hand, whether civil or religious, are much more conditioned by historical circumstances and the

1) W. Eichrodt, l. c. 90.

2) Cf. pp. 25-28.

concrete state of development of a society. Therefore they must be given sufficient room for the possibility of change in order to adapt ever anew to the varying needs of different times and places. The lack of flexibility will otherwise lead to obsolete laws which are antiquated, without purpose and even counterproductive.

This was the danger which confronted the Jews in their uncompromising adherence to the Torah. They regarded the Torah as a law of great perfection; of greater perfection than it possessed and could possess, considering that it is to a large extent composed of positive, civil and cultic regulations. The possibility that this law might have to be reformed and replaced by another, more perfect one was not seriously considered, even though the prophets repeatedly foretold the institution of a new covenant which would surpass the old.

With their great respect for the Torah the Jews inclined to continue in the observance of its laws if ever possible. This promoted the development of an inflexible legalism which upheld the letter of the law, even though it already came into conflict with the demands of justice, mercy and love. This indeed was the situation at the time of Jesus.

4. The realities of law and order in the Old Testament doubtless find their most characteristic expression in the Torah. Nevertheless besides the Torah with its definite precepts and commandments, the fact of *a moral order in the world* is still set forth in another, less juridical way, and that is in the Wisdom literature. Its authors are deeply impressed by the wise order they find everywhere in creation. They express this experience in the graphic description of wisdom as a master-workman who is beside God from the beginning, before the heavens were made, and who serves him in the creation of all that exists (Job 28:20-27; Prov 3:19f; 8:22-31; Wis 9:9 Sir 24:3-9). Wisdom is the ordering power behind creation and the origin of all individual orders. The nature of wisdom could also be rendered by "primeval order", "world reason" or "meaning inherent in the world". "What is objectified here, then, is not an attribute of God but an attribute of the world, namely that mysterious attribute, by virtue of which she turns towards men to give order to their lives."¹⁾

Wisdom does not exist and operate in isolation from men. Quite the contrary, she calls out to men to listen to her and to live

¹⁾ Gerhard von Rad, *Wisdom in Israel* (Nashville and New York: Abingdon Press, 1972), 156.

in harmony with the order she has established. "Does not wisdom call, does not understanding raise her voice?... To you, O men, I call, and my cry is to the sons of men" (Prov 8:1.4 cf. 1:20f; 9:3). "It was obviously the opinion of the teachers that man is addressed from creation by a desire for order from which he cannot escape. This desire for order addresses, in the first instance, man's completely personal life. It is the basis and source of ethical behaviour."¹⁾ Those who listen to the voice of wisdom "will understand righteousness and justice and equity, every good path" (Prov 2:9). In a second instance, the impulse for order also extends to the public, national life. "By me kings reign, and rulers decree what is just, by me princes rule, and nobles govern the earth" (Prov 8:15f; cf. Sir 24:6).

Men are well advised to listen to the counsel of wisdom. For disregard of her voice has catastrophic consequences. Calamity and panic, distress and anguish will strike those who believe they can ignore her (Prov 1:23-33). Harmony with wisdom is life, discord with her is death. This is an outright ultimatum.

The means for gaining insight into the right way of life is above all the good and evil consequences of an action. The blessings or misfortunes resulting from an action are frequent motives attached to the counsels of the wisdom teachers (e.g. Prov 6:6-11; 14:29f; 17:13f; 22:22-25; 29:23; Sir 3:17f.26f; 20:24-26; 37:29-31; 41:12f). The motivations for doing good and avoiding evil are almost always of a temporal, profane nature. This gives the wisdom rules a utilitarian, naturalistic character.

The inductive method of judging actions from their consequences of course requires a thorough acquaintance with the facts of living. Great weight is therefore attributed to the experience of the fathers and elders. By listening to them, the young people will gain understanding and come to the right knowledge of what is good and evil (cf. Prov 1:8f; 4:1-5; 13:1; Sir 3:1f; 6:18).

Besides the word of the Torah, then, Yahweh has at his disposal still another means to teach man, namely the voice of the order of creation. "Yahweh obviously delegated to creation so much truth, indeed he was present in it in such a way that man reaches ethical *terra firma* when he learns to read these orders and adjusts his behaviour to the experience gained."²⁾ The entire tenor of the teachings of the wise men leaves no doubt that this voice can be readily understood by everybody who is prepared to listen (see also Job 12:7-9; Prov 1:20f).

¹⁾ Ib. 158.

²⁾ Ib. 92.

The conviction that besides the Torah the demands of the moral order are made known to men in still another way is however not limited to Wisdom literature alone, although here it finds its most articulate expression. The Old Testament knows of a moral experience and of the awareness of concrete moral duties even prior to the Sinaitic covenant. Adam, Eve, Cain, Noah, Joseph and his brothers, all have a knowledge of good and evil. All feel bound by an unwritten law. This law reveals itself in the hearts of men as well as in the conscience of the group. But it is always conceived as the voice of God.

II. Moral law in the New Testament

1. *Old law and New Testament.* The attitude of Jesus and the early Church to the law of the Old Testament has already been discussed in detail in the chapter on the moral teaching of the New Testament.¹⁾ The New Testament evinces the firm conviction that the OT law derives from God as its author. Yet with equal determination it holds that the old covenant was only a preparation for Christ and therefore of transitory nature. The noblest function of the many ceremonial prescriptions was to symbolize in advance the Christian mystery, to awaken the yearning for the promised Messiah, and to excite a sense of sin and of need for the redemption which Christ was to bring.

For this reason, i.e. because the old law was essentially a preparation, it was destined to lose its binding force (Rom 7:1-6; Gal 2:19). "The law and the prophets were until John; since then the good news of the kingdom of God is preached" (Lk 16:16). The old law had only the task of an educator for the new covenant in Christ (Gal 3:24-26). It lost its reason of existence with the coming of Christ and came to an end (Rom 10:4). The Council of the Apostles of Jerusalem confirms this fact (Acts 15:7-11.28f). According to the letter to the Hebrews, the death of Christ was the point of time when the New Testament took its beginning and therefore the old covenant was definitely dissolved (Heb 9:16).

Accordingly in the sphere of NT Morality we are no longer bound by the old law. Yet this does not mean, as already explained on other occasions, that everything which is in the Old Testament has ceased to bind. The theory that the ten commandments of the Old Testament are of no concern to Christians was firmly rejected at the Council of Trent (DS 1569). The OT legislation gave the

¹⁾ See pp. 37-39; 46-49.

additional title. This title ceases, but the other — human nature — remains. And moreover the New Testament imposes the natural obligations anew (cf. Mt 19:16-19; Rom 13:8f).

Not only for Christian tradition, but also for the New Testament itself the Old Testament remains an authority which is higher than that of customs and pagan philosophy, and which retains the dignity of "Holy Scriptures" (Rom 1:2; 7:12). Paul repeatedly uses OT passages and examples to back up his teaching in general (Rom 4:3-8; 9:6ff; Gal 3:15-18; 4:21-31) and his moral exhortations in particular (Rom 4:23f; 12:19f; 1 Cor 6:16; 9:3-10; 2 Cor 8:13-15; Gal 3:6-9). Of course it is understood that the Old Testament is no longer an independent authority for Christians; it is relativized and transcended by the authority of Christ.¹⁾

2. *Nature and character of the new law.*²⁾ The existence of a moral law in the New Testament was denied by some of the Reformers, who misinterpreted the texts about the freedom of Christians (cf. Rom 10:4; Gal 3:23-26; 5:1). This gave rise to two definitions of the Council of Trent, which declared that other things besides faith are commanded in the gospel (DS 1569) and that Christ our Redeemer is also a lawgiver (DS 1571). Earlier in this book it has been shown that Christ and the early Church, Paul not excluded, in fact know and teach moral commandments and that they accept the existence of a moral law also for Christians.³⁾

Commenting on the impression Jesus' words made on the people, the evangelists note that "the crowds were astonished at his teaching, for he taught them as one who had authority, and not as their scribes" (Mt 7:28f; cf. Mk 1:22; Lk 4:32). "All the people hung upon his words" (Lk 19:48; cf. Mk 11:18). Jesus was not pre-occupied with legalistic pedantries concerning rituals, religious laws and traditions of the elders. His concern was a most radical obedience to God's unconditional claim upon man's life and a total availability to the innermost stirrings of the Spirit. Jesus' instructions and parables bring this message home in ever new forms and ways.

This emphasis prevails throughout the New Testament. The

1) Cf. the careful and competent study on the authority of the OT in the parenthesis of the NT by Wolfgang Schrage, *Die konkreten Einzelgebote in der paulinischen Paränese* (Gütersloh: Gerd Mohn, 1961), 228-238.

2) Cf. B. Häring, *The Law of Christ*, vol. I. 1966, 252-263. Josef Fuchs, "The Law of Christ" in *Human Values and Christian Morality* (Dublin and London: Gill and Macmillan, 1970), 76-91. Enda McDonagh, "The Natural Law and the Law of Christ" in *Invitation and Response* (New York: Sheed and Ward, 1972), 22-37.

3) See pp. 37f.; 43f.; 48f.

new law is primarily an internal law. The main stress is on man's internal responsibility before God and the law of the Spirit. Paul finds a particularly striking difference and even opposition between the old and the new law in this that the Mosaic law is an external, written code, whilst the law of Christ is a law of the Spirit. "For the written code kills, but the Spirit gives life" (2 Cor 3:6). Therefore Christians are to "serve not under the old written code but in the new life of the Spirit" (Rom 7:6). The New Testament is a covenant in the Holy Spirit who has been poured forth into the hearts of men (Rom 5:5), who leads and teaches them from within (Rom 8:14). Therefore it says in the Scriptures: "I will put my laws into their minds" (Heb 8:10). From the living communion with Christ flows the "law of Christ" as an inward law. It is through "the law of the Spirit of life in Christ Jesus" (Rom 8:2) that Christians not only know but also fulfil "the just requirement of the law" (Rom 8:4).

Nevertheless to man under original sin even the law which corresponds to his own inward being appears as something contrary and to that extent an outward law. For this reason the New Testament repeatedly and most earnestly warns Christians to flee sin and "the works of the flesh" and instead to "walk by the Spirit" and bear the fruits of virtue, goodness and holiness (Rom 6:12-18; 8:12f; Gal 5:16-25; Eph 4:22-24; 1 Pet 2:11f). The dangers which come from man's old, sinful nature made it necessary to set up lists of vices which those who want to enter God's kingdom must absolutely avoid (1 Cor 6:9f; Gal 5:19-21; Col 3:5-10). Moral norms were formulated as a protection against the "carnal man" from within. But they have also a positive purpose besides. They serve as aids for a peaceful life and provide an orientation on the way to perfection (e.g. Mt 5:21-24, 27f, 44; 19:16-19; 25:31-46; Rom 13:1-9; 1 Cor 7:10f; Eph 5:21-6:9; 1 Thess 4:1-8). Hence, although the new law is fundamentally an internal law, in a secondary sense it is also a formulated, written law.¹⁾ In the thought of Paul, the Christian community is called to formulate the exigencies of the law of the Spirit and the individual believer is expected to obey this authority.

3. *Concrete precepts and commandments.* The concrete precepts and commandments of the new covenant pertain to the

¹⁾ According to Thomas Aquinas, the fundamental element of the new law is the grace of the Holy Spirit, whilst the external laws are only a secondary element (STh I-II 106,1; 106,2; 108,1).

greatest extent to the category of natural moral laws. There are only a few injunctions which have the nature of positive laws, and they are of a religious nature.

The teaching of Christ in the Gospels contains only two *positive precepts*. They concern the two most fundamental sacraments of the Church. They are the mandates to baptize all nations in the name of the Blessed Trinity (Mt 28:19) and to celebrate the Lord's Supper in his memory (Lk 22:19; cf. 1 Cor 11:24-26). They constitute the most typical examples of precepts of positive divine law.¹⁾

The positive precepts in the other NT writings concern Church discipline. The Council of the Apostles in Jerusalem, which decreed that Christians are no longer bound by the Mosaic law, only imposed upon the Gentiles to "abstain from what has been sacrificed to idols and from blood and from what is strangled and from unchastity" (Acts 15:29). But already in the first letter to the Corinthians Paul held that objectively there is nothing wrong with eating food offered to idols (1 Cor 8). And also the prohibitions to abstain from blood and from what is strangled soon fell into oblivion. Only the obligation to refrain from unchastity always remained in force, but this is an obligation of natural law.

In 1 Cor 11:5-16 Paul most energetically orders that women have to cover their heads with a veil when they pray. Although such a custom still exists in some regions today, it has long since ceased to be a binding law. In 1 Cor 14:26-40 Paul gives instructions how to use the gifts of tongues and prophesy in the assemblies, and strictly commands that women should keep silence in the churches. This ruling is also no longer enforced. Another positive law is the regulation in 1 Tim 3:2 and 12 that those who are elected bishops and deacons should have been married only once.

Apart from the two mandates of Christ, which are most venerable to Christians because he certainly wished them to be kept as long as his Church existed, the great measure of freedom of the spirit with which the Christian community has handled the positive laws of the New Testament, even though they are part of the inspired books, is surprising.

As for the *moral precepts* in the narrower sense, they are of a more universal nature and therefore less subject to change. Yet in

¹⁾ There are still other sacraments which take their origin from the NT Scriptures. But they are not enjoined by express precepts. Either they are derived from concrete practices of the early Church, such as the laying on of hands on those to be ordained priests (1 Tim 4:14; 2 Tim 1:6) or the anointing of the sick with oil (Jas 5:14f), or from a particular authority given by Christ, such as the power to forgive sins (Mt 16:18f; 18:18; Jn 20:23).

interpreting the precepts of Christ, attention has to be given to the particular style and literary character of Jesus' teaching. This question has been dealt with explicitly in an earlier context.¹⁾ Jesus most of the time uses a figurative, metaphoric style in his moral instructions, which makes his demands more often than not appear radical and exaggerated. "If any one strikes you on the right cheek, turn to him the other also." "Give to everyone who asks." "If your hand is leading you astray, cut it off." These precepts cannot be taken literally as they stand and put into practice. Their purpose is a different one. They are meant to challenge men to a most radical obedience towards God and to an ever greater perfection. — There are however also some commandments of Christ which have to be taken literally indeed. To which category an individual saying belongs, has to be defined from case to case.

The moral precepts of the apostles, on the other hand, are rules of conduct which are moral laws in the strict sense of the definition. They are intended to be taken literally. Christian tradition has always considered them as norms which are strictly obligatory, not only for Christians but for all men on the earth. Only recently questions have been raised concerning the moral judgement of Paul in matters of slavery and the social status of women.

As to the social status of women, Paul teaches that wives should be subject to their husbands, although in the same breath he also exhorts husbands to love their wives (Eph 5:21-33; Col 3:18f). He certainly does not intend to say that wives should obey their husbands unconditionally, even if they demanded something which were sinful. Besides, the rather general form of the exhortation allows for a great latitude in interpretation. Nevertheless it must be admitted that Paul's stress on the subordination of women and on their silence in the churches is rather strong. His frame of mind is more hierarchic than democratic.

With regard to slavery, Paul nowhere urges or recommends this institution, and therefore its abolition in no way contradicts his teaching. Rather it agrees with his principle that we are all one in Christ, and that "there is neither slave nor free, there is neither male nor female" (Gal 3:28; cf. 1 Cor 7:21). Paul only put up with an institution which the tiny, young Church was unable to change anyway.

4. *Natural moral law in the New Testament.* In distinguishing metaphoric forms of precepts in Jesus' teaching from others which

¹⁾ See pp. 32-34.

have to be taken literally, and in examining the moral teachings of the apostles as to their continued validity, a criterion has been used which is of a more comprehensive nature than Scripture alone. This criterion is the conformity of the biblical precepts with the rights and needs inherent in man's nature and the duties resulting therefrom. It is the criterion of natural law. Does the New Testament know of a natural moral law and accept it as an authority of universal character?¹⁾

a) *The teaching of Christ.* Christ himself, in setting forth his teaching, appeals to the established order of creation as a pointer to the law of God. One remarkable instance is his legislation about divorce. The law of Moses, he says, permitted divorce. However it was only "for your hardness of heart he wrote you this commandment. But from the beginning of creation, God made them male and female...and the two shall become one. What therefore God has joined together, let not man put asunder" (Mk 10:5-9). That means, the very nature of man, as created by God, points, if properly understood, to the law of permanent monogamy. Although Moses found it necessary to permit divorce because of the shortcomings of the people, it is not in full accord with the mind of God when he made mankind. Now that the kingdom of God has come, the original form of the natural law must be restored.

Also the commandment of love of enemies is supported by an argument taken from the order of creation. Men must love their enemies because the heavenly Father "makes his sun rise on the evil and on the good, and sends rain on the just and on the unjust" (Mt 5:45). This is in substance the natural law argument for the duty to love enemies.

On several occasions Christ presupposes the knowledge of good and evil as self-evident and known, e.g. where he says in the dispute on the clean and unclean, "what comes out of a man is what defiles a man," and then numbers a list of evil deeds considered as sinful by his hearers independent of his teaching (Mk 7:20-23). Christ's sermon on the last judgement equally presupposes a knowledge of good and evil in all men, by which they will be judged (Mt 25:31-46; cf. also Lk 12:57; Jn 5:29). As a general measure for the morally good, he points out the "golden rule", which is a norm naturally known: "Whatever you wish that men would do to you, do so to them" (Mt 7:12).

¹⁾ For the teaching of the New Testament on natural law in general, cf. Josef Fuchs, *Natural Law* (Dublin: Gill and Son, 1965), 14-37; for the testimony of Paul in particular, cf. Wolfgang Schrage, l. c. 187-228.

b) *The teaching of the apostle Paul.* For Paul the natural law is a self-evident domain which raises no problems as such. If he deals with it, it is only in subordination to the themes of law, sin and grace, which are his direct concern. In the first three chapters of the letter to the Romans, Paul is preoccupied with the moral condition of the heathen world and the need of redemption of all mankind. Such a need exists only if there is guilt and sin, and this presupposes that the heathens have a true knowledge of God and their moral obligations. And in fact, Paul argues, they have such knowledge. Man's reason derives it clearly from the reality of creation (Rom 1:19f.32). This is why Paul can write of the guilt of the heathens, although they are without the Law and without Christ. Their wrong deeds are vices because they are repugnant to man's nature and to the moral order demanded by it.

The classic Pauline text on natural knowledge of the moral law is found in the second chapter of Romans. "When Gentiles who have not the law do by nature what the law requires, they are a law to themselves, even though they do not have the law. They show that what the law requires is written on their hearts" (Rom 2:14f). The wider context of the whole chapter shows that there is a general subjection of all, of heathen, Jews and Christians, to the same moral order and to the same judgement according to this norm (vv. 1.12). It is therefore clear that in the thought of Paul the distinction between good and evil is founded in the nature of things, not only for heathens but also for Jews and Christians. The Mosaic Law does not establish the difference between good and evil, but rather teaches men about what is already good and evil before it has been declared as such by the Law. For this reason Paul can say that the good works of the heathen constitute a fulfilment of the demands of the Law. "They do what the law requires" (Rom 2:14). It appears then that the law of God was written on the heart of man by the very fact of his creation by God. Now such a law, which is derived from nature as its (objective) norm and which is made known to man by reason and conscience, is nothing else than the natural law as defined by moral theology and ethics.

Natural law continues to exist and to be valid also within the law of Christ. Although the OT Law has indeed been abolished, those precepts which are part of the natural law remain a binding norm independently of the Law. In this sense Paul can say that the Christians also fulfil the just requirements of the Law, even though they are set free from it (Rom 8:2-4). The catalogue of pagan vices (Rom 1:29-31) is consequently repeated for the

Christians and is presented as a list of sins which exclude men from the kingdom of God (1 Cor 8:9f; Gal 5:19-21; 1 Tim 1:9-11). Paul's exhortations that Christians should "give no offence" to anybody and through their good conduct "command the respect of outsiders" (1 Cor 10:32; Col 4:5; 1 Thess 4:12) presupposes moral norms and criteria which are common to both, Christians and outsiders alike.

Much of the moral teaching of Paul is based on judgements of reason as to what is good and evil, without reference to the OT Law or commandments of Jesus (cf. Rom 1:26f; 13:1-7; 1 Cor 7:1-9, 8:4-6; Col 3:21). It proves therefore that the natural law has become part of the "law of Christ". Fulfilment of its obligations by the power of Christ is the way of life of those who belong to his kingdom.

III. Distinctiveness of Christian ethics.

In the preceding reflections it has been pointed out that many laws of the Old Testament have parallels in the legislations of the neighbouring nations and that most of the laws of the New Testament pertain to the category of the moral norms which man can know by nature, i.e. the natural law. This raises the question of the distinctive character of Christian morality. Is Christian morality different from the morality of people who are not Christians? If so, in what does this difference consist? The question has been lively discussed in recent years and has found different answers.¹⁾

1. *The traditional* view commonly affirms a distinctive content of Christian morality. Although by far the largest part of the moral laws can be discovered by reason and therefore is accessible to all men, there are some ethical values and norms which are specifically Christian.

The reason why two sets of moral norms are asserted is the doctrine of the condition of man before and after the redemption of Christ. Prior to the redemption by Christ, man is held to be in a state of "pure nature" (*natura pura*), i.e. in a state without the divine life of grace.²⁾ To this state natural moral norms correspond, which are arrived at by the insights of reason and obligatory for all

¹⁾ A very helpful collection of representative contributions to the question is found in *Readings in Moral Theology No. 2: The Distinctiveness of Christian Ethics*, ed. by Charles E. Curran and Richard A. McCormick (New York/Ramsey: Paulist Press, 1980).

²⁾ Originally mankind possessed this state of grace, but it was lost through the sin of the first parents, Adam and Eve, in paradise (cf. Gen 3).

men. After redemption man receives, in addition to his natural life, the divine life of grace. To this new state additional norms correspond, which are only accessible to those who possess this life of grace, and of course which are obligatory only for them. Their principal source is the positive, divine revelation of the Old and New Testament. Catholic moral theology generally holds that these additional norms surpass the values and norms of a merely human morality, although they do not contradict it. Protestant tradition tends to see a greater discontinuity between the human and the Christian; Christian ethics challenges human morality and at times contradicts it.

What do revelation and faith concretely add to ethics? Scripture teaches that Christians have received the gift of a new life from Christ, the life of grace, mediated in baptism. The new life calls for a new, different way of conduct. The new attitudes include the divine virtues of faith, hope and charity, love of enemies, humility, spirit of sacrifice and acceptance of sufferings in the fellowship of the cross. In the realm of worship, the sacraments in particular impose duties which are exclusive to Christians.

2. *A more recent view* on the other hand maintains that Christian ethics has no distinct content of its own. Among contemporary authors this seems to be the more common view. Nevertheless this second opinion cannot simply be called the modern one. Already Francis Suarez († 1617) held this view.¹⁾ It is likewise found in the manuals of Genicot-Salsmans,²⁾ Göpfert,³⁾ Vermeersch,⁴⁾ Hürth-Abellan,⁵⁾ and Regatillo-Zalba.⁶⁾ The theologians Hürth and Abellan summarize the position as follows: "All moral precepts of

1) Francis Suarez, *Commentaria ac Disputationes in Primam Secundae D. Thomae: De Legibus*, lib. X, c. 2, nos. 5-15. Suarez also makes reference to Thomas Aquinas I-II, q. 118, art. 2. Here Thomas distinguishes between sacraments and moral precepts. As to the latter, the new law adds nothing beyond that what is already contained in the old law, because it is by natural reason that we are directed towards the works of virtues.

2) E. Genicot-I. Salsmans, *Institutiones Theologiae Moralis*, vol. I. (Brussels, 1951, 17th ed.), no. 90.

3) F. A. Göpfert, *Moraltheologie*, vol. I (Paderborn, 1923, 9th ed.), no. 33.

4) A. Vermeersch, *Theologiae Moralis Principia, Responsa, Consilia*, vol. I (Rome, 1947, 4th ed.), no. 153. Additional precepts of the new law are for Vermeersch faith and the sacraments.

5) F. Hürth and P.M. Abellan, *De Principiis, de Virtutibus et Praeceptis*, vol. I (Rome, 1948), no. 66.

6) E. F. Regatillo and M. Zalba, *Theologiae Moralis Summa*, vol. I (Madrid, 1952), No. 359.

the new law are also precepts of the natural moral law. Christ did not add any further moral precept of a purely positive kind to the natural moral law...That holds also for the precept of love...The obligation to love God and one's neighbour for God's sake is an obligation of the natural law."

It is important to note that the authors just mentioned distinguish between ceremonial and moral precepts in the new law. If Christ did not add any moral precepts to the natural law, he evidently added new ceremonial precepts (though not purely ceremonial), namely the sacraments. They are indeed divine laws of a positive nature, but they do not pertain to the category of moral laws in the strict sense.

Recent authors who subscribe to this view are A. Auer,¹⁾ J.-M. Aubert, E. Chiavacci, C. Curran, J. Fuchs, R. McCormick, B. Schüller, D. Tettamanzi, J. Walter, the Anglican theologian J. Macquarrie,²⁾ F. Böckle,³⁾ and others.

3. *The arguments* for the second opinion are the following. A weighty argument is based on the study of the facts. The data of both experience and history produce no clear evidence of a distinctive content of Christian ethics. For all moral precepts of the Old and New Testament parallels can be shown in other cultures and religions. This is true of love of enemies, the virtue of humility, the spirit of sacrifice or endurance in suffering. This also holds for the virtues of faith, hope and charity, even though outside of Christianity the content of faith is much less detailed.

The teaching of the magisterium is guided by the conviction that the answers it gives to moral questions are intelligible and valid for all men of good will. This is particularly evident in the socio-economic doctrines of the social encyclicals since Leo XIII. The Pastoral Constitution on the Church in the Modern World of Vatican II, which covers the whole realm of moral life, "addresses itself without hesitation, not only to the sons of the Church and to all who invoke the name of Christ, but to the whole of humanity" (GS 2). The justification for this appeal is the persuasion that the

¹⁾ Alfons Auer, *Autonome Moral und christlicher Glaube* (Düsseldorf: Patmos, 1971), 160f. A great part of the book is dedicated to the study of the universality and distinctiveness of biblical ethics.

²⁾ *Readings in Moral Theology No. 2*, l. c. 35f (Aubert), 299f (Chiavacci), 77 (Curran), 8 and 11 (Fuchs), 168 (McCormick), 217f and 229f (Schüller), 55f (Tettamanzi), 96 and 107 (Walter), 126f (Macquarrie).

³⁾ Franz Böckle, *Fundamental Moral Theology* (New York: Pueblo Publ. Co., 1980), 224f.

message of the Church "is in harmony with the most secret desires of the human heart when she champions the dignity of the human vocation" (GS 21). All men have the same ultimate vocation, which "is in fact one, and divine" (GS 22; also 24; 29; NA 1). And if Christ reveals the commandment of love as the basic law of human perfection, he likewise "gives assurance that the way of love lies open to all men" (GS 38).

As to the intrinsic reasons, two arguments are put forward. First, in order to have insight in the meaning and justification of the moral precepts formulated by Holy Scripture, man needs a rational criterion which enables him to understand their intrinsic goodness. This criterion is the consonance of the precepts with the needs and aspirations of human nature. But this is a criterion shared by all men and not exclusively by Christians. If the existence of such a criterion were denied, the other alternative would be a purely voluntaristic positivism. God dictates his precepts and man has to submit to them in blind obedience without an understanding of their reasons. This would not be worthy of man nor of his creator, who has endowed man with reason precisely in order to understand.¹⁾

Considerations of the same kind apply to the imitation of Christ as moral guide for Christian life. A genuine understanding of Christ as the standard of authentic humanity is not possible without a previous awareness of the essence of such humanity. Without this awareness Christ could not be perceived as an example. The ideal of authentic humanity is prior to its incarnation in an example. The example is later than the ideal it presents. "There is a hermeneutic circle here: Christ interprets for the Christian the meaning of authentic humanity or mature manhood, but he is acknowledged as the Christ or the paradigm of humanity because man have interpreted him as such in the light of an idea of authentic humanity that they already bring to him and that they have derived from their own participation in human existence."²⁾

Second, "since there is only one destiny possible to all men, there is existentially only one *essential* morality common to all men, Christians and non-Christians alike."³⁾ This is a new argu-

¹⁾ For a careful discussion and refutation of the voluntarist position see Gerard J. Hughes, *Authority in Morals* (London: Heythrop Monographs, 1978), 4-10. Additional problems for the voluntarist position are, first, the verification of the claim that certain precepts have indeed been revealed by God and are not after all of human origin and, second, the difficulty of interpreting precepts whose meaning man does not understand.

²⁾ J. Macquarrie in *Readings in Moral Theology* No. 2, l. c. 123.

³⁾ A. McCormick in *Readings in Moral Theology* No. 2, l. c. 168.

ment, based on theological insights not available to the older theologians. In order to understand this argument, it has to be noted that the traditional distinction between a state of "pure nature" and a state of grace is paralleled by a corresponding distinction between a natural and supernatural ultimate end. The problems surrounding these distinctions and the new answers given to them will be dealt with in detail below (cf. "The theological controversy on natural law"). The distinctions always laboured under difficulties and their artificial character has been more and more felt. Vatican II has at last overcome the impasse: In the concrete order of human existence, all men share in the fruits of Christ's redemption. In the hearts of all men grace is at work, and all men have one and the same ultimate end, which is divine (cf. GS 22; 24; 29; NA 1). Now, since the moral order is decisively determined by the ultimate end of man, the moral order must essentially be the same for all men as well. Besides, since man's very nature is modified by the presence of grace everywhere, all men are confronted with the same, concrete order of existence, which likewise must result in the same moral order for all.¹⁾

4. *The specific contribution of faith to ethical perception.* If the recent theories are correct and if Christian morality cannot claim a distinct content of its own, does this not mean that in the last analysis Christian morality is without a particular identity? Is not the assertion of certain secularised forms of Christianity that to be a Christian is simply to be a man after all correct? Are not all the rest dispensable paraphernalia?

This is a conclusion drawn too fast. The previous chapter has shown that there are a variety of ethical schools, but not all are of equal value. The claim of the recent theologians is not that

¹⁾ Within the second opinion, *two different modes* can still be distinguished. Some theologians deny the existence of a specifically different material content in Christian morality, but admit of a specific Christian intentionality and motivation. This is the view of J. Fuchs (*Readings in Moral Theology* No. 2, l. c. 6-8; 14-18), J.-M. Aubert (ib. 36) and J. Walter (ib. 102). Others however object that one cannot conceive of a new intentionality and motivation which does not also result in a newness of activity. They therefore hold that there is neither a distinct content nor a distinct intentionality of Christian morality. Since all men have the same destiny, they are also able to share in the same intentionality. This is the view of C. Curran (ib. 77) and D. Tettamanzi (ib. 55f). — Perhaps it might be helpful to distinguish between intentionality and motivation. Intentionality is determined by man's moral goals, and these Christians share with all men of good will. Motivation on the other hand is a wider concept. Also ideals and examples which incarnate moral values in exemplary form are motives. The example of Christ is of this nature, and this motive can rightly be called distinctively Christian.

Christian ethics may coincide with just any of these schools. The assertion rather is that Christian ethics coincides with that kind of human morality which is authentic and genuine. This is the virtue of only one of the schools, theonomous ethics. This is the form of ethics espoused by Holy Scripture.

The great merit of Holy Scripture is that it has helped men and woman of all times to grasp correctly the meaning of life and their calling by God. In the labyrinth of the many ethical opinions it has always given them safe guidance and direction. "Christianity does not establish a new or different morality, but it makes concrete, clarifies and, above all, focuses on a particular person, Jesus Christ, the deepest moral convictions of men."¹) Through the aid of revelation men have access to the moral truths with greater facility and sureness (cf. DV 6).

Of particular importance is the proper foundation of ethics and the correct vision of man's ultimate goal. Already the Old Testament clearly recognizes that the moral imperative has its foundation in the authority of God. Not the individual, not the tribe nor the nation is the measure of all things, but God's sovereign will. His rule extends to all spheres of life. He does not merely expect acts of worship. He claims the consecration of man's entire life to his service. As the goal of this service Holy Scripture perceives God's glory, his kingdom and man's salvation.

Also distinctive in the ethics of the New Testament is obviously the normative place which is assigned to Jesus Christ and his teaching. His word and concrete way of life reveal the truth about man and his destiny. Christians are called upon to make Jesus' form of existence their own and to realize it in their lives. Nevertheless this form of existence is not something which otherwise lies outside the scope of human nature or even contradicts it. Rather Christ fulfils man's nature. "Or, better expressed, he both contradicts it and fulfills it — he contradicts our actual condition but fulfills what we have already recognized deep within us as true human personhood."²) Vatican II can therefore say that "whoever follows after Christ, the perfect man, becomes himself more of a man" (GS 41; cf. 11).³)

1) John Macquarrie in *Readings in Moral Theology* No. 2, I. c. 142.

2) J. Macquarrie, I. c. 124.

3) The normative place of Christ's example also explains why in the writing of John the commandment of love can be called a new commandment (Jn 13:34; 1 Jn 2:7f). The commandment is new because the criterion of love is new, which is the example of Christ. "Love one another as I have loved you" (Jn 15:12). This does not mean that the ideals conveyed by this example are beyond the grasp of human nature and totally unaccessible to it. It means that the ideal of love is realized by Christ in a new and most perfect way.

In the light of the anthropological and theological foundations and the vision of the final goal adopted by Holy Scripture, biblical ethics gathers, develops and ranks its moral norms. This results in a process of selection, modification, stimulation and accentuation, which is at work in all of Holy Scripture, beginning with the Old Testament and continued in the Gospels of the New Testament and the apostolic writings. The early Church was confronted with a confusing and contradictory plurality of ethical doctrines and principles in the Greek and Roman world. It was necessary for it "to make a decisive and critical separation, in which the Christian faith formed its new options in accordance with the Old Testament standards and with the 'way of thinking of Jesus Christ.'"¹⁾

In this process of critical separation, NT ethics for example rules out any forbidden foods, magic forms of piety, polygamy, discrimination against the state of unmarried life, while it opts for fraternal love, especially towards the most needy, love of enemies, self-control in sexual life and humility. Other norms undergo a modification, such as the norms concerning divorce, sanctification of the sabbath or cultic laws in general. Other changes concern the rank attributed to certain moral attitudes and values, as illustrated by the emphasis given to man's openness for the inner law of the Spirit or to the virtues of love, faith, chastity and spirit of sacrifice.

What holds for the early Church, also holds for the moral teaching of the Church today. "The originality of Christianity in the moral field does not lie in the sum of principles which have no parallels elsewhere...Christian originality consists rather in the overall conception into which man's quest and aspiration was directed by faith in the God of Abraham, in the God of Jesus Christ" and by the place which the various moral principles do or do not occupy in the spiritual structure of Christianity.²⁾ The biblical materials "influence the boundaries for all proposed norms from whatever source. Some will be considered in bounds for Christian ethics, others out of bounds."³⁾

IV. Moral autonomy and theonomous ethics

The moral norms of Christian ethics can also be arrived at by

¹⁾ Joseph Ratzinger in *Readings in Moral Theology* No. 2, l. c. 182. See also Hans Halter, *Taufe und Ethos: Paulinische Kriterien für das Proprium christlicher Moral* (Freiburg: Herder, 1977), 488-491.

²⁾ J. Ratzinger, l. c. 177.

³⁾ Bruce C. Birch and Larry L. Rasmussen, *Bible and ethics in the christian life* (Minneapolis, Minn.: Augsburg Publ. House, 1976), 115.

reason, so it has been explained. They must be legitimized before the tribunal of reason in order to have obligatory force. It must also be possible to establish their validity independently of Christian revelation or any other positive revelation for that matter. From this the conclusion has been drawn, also in Christian quarters, that every valid form of ethics must be autonomous. Christian ethics too must aim at autonomy.¹⁾

The tenet that all moral norms need a rational justification is indeed a valid proposition. The terminology chosen however is less felicitous. Indeed it is easily misleading. As it is commonly understood, moral autonomy means man's independence from moral injunctions external to him, including any divine law and will. The autonomous man creates the moral law on his own authority, with responsibility only to his own person and values. This however is not the teaching of Christian theology and never can be.

The idea of a totally independent, autonomous morality was first formulated by Kant. For him it means an ethics which is not only free from any considerations of happiness and profit, but also free from any demands imposed upon man by God. Moral goodness is a value in itself, and it merits to be realized for the sake of its own dignity, not for the sake of any external authority who wills it, be it even the authority of God. There are other conceptions of autonomous morality, which are of utilitarian, humanist or existentialist provenance and the like. They all have in common the categorical rejection of a foundation of ethics in God or an absolute ground of being and in ideas of Christian faith or of religious nature in general.²⁾

These ethical theories have been discussed earlier and their insufficiency been shown. Man is evidently not an independent being in the order of existence. He has not created himself. The structures of his being have been laid down for him by someone else. How then could he be independent in the order of action?

1) This thesis has been formulated above all by Alfons Auer, *Autonome Moral und christlicher Glaube* (Düsseldorf: Patmos, 1971). It is critically reviewed by Bernhard Stoeckle, *Grenzen der autonomen Moral* (München: Kösel, 1974). Franz Böckle adopts the thesis and terminology of Auer and attempts a "theological justification of moral autonomy" in *Fundamental Moral Theology* (New York: Pueblo Publ. Co., 1980), 46-63. This thesis is a characteristic thrust of Böckle's book. Trutz Rendtorff in *Handbuch der christlichen Ethik, vol. I*, edited by Anselm Hertz and others (Freiburg: Herder, 1978), 210-215, once again shows reservations. He refers to Karl Barth's criticism of autonomous morality in the name of God's sovereignty and warns against an inhuman overestimation of ethical rationality.

2) Cf. "Die neuen Prospekte: Szczesny, Schulz, Habermas", in B. Stoeckle, l. c. 23-32

How could he create the moral norms for his activity in absolute autonomy and independence from the source of his being? This is a contradiction and unrealistic illusion.

Man is as little the autonomous creator of his moral norms as he is the creator of his own being. He has to submit to the structures according to which he has been created and to the purpose for which he has been made. Moral principles are to be accepted rather than to be created, because they are demands of reality and of man's destiny. Not man is the origin of the moral order, but the supreme intelligence and wisdom which has made everything and also assigned to man his task and purpose. This supreme reality may be given many names. Yet if Christians and many other religions call it God, it is no other reality than that.

"For a Christian or for a believer in a transcendent God an autonomous morality independent from God; or also for a non-believer a morality independent from an ultimate value or a basic meaning of existence, such an autonomous morality is a nonsense... Without ultimate meaning neither a normative ethics makes sense, nor a system of values, nor a single precept, nor finally the discernment of the norm intrinsic to conscience."¹⁾ In this precise sense Christian ethics is theonomous.

On the other hand it is true that man's conduct cannot be controlled, today less than ever before, by a mere reference to holy books. Man wants to know the intrinsic reasons for his moral obligations and their rational justification. This implies independence from a purely authoritarian imposition of the moral norm. It does however not imply that Holy Scripture is in the last analysis superfluous and useless for the knowledge of man, his destiny and the moral order. On the contrary, it is of great help for acquiring this knowledge more readily, clearly and safely.

B. Stoeckle is of the opinion that reason alone is not in a condition to fathom out the origin and the goal of man and consequently not his responsibility either. This being the case, "the exposition of the moral demand necessarily stands in need of the aid of faith."²⁾ It seems he has in mind the faith of Christian revelation. However the previous deliberations of the distinctiveness of Christian ethics have shown that such dependence of reason on biblical faith is not certain and is contested by many theologians. Even though for reason the origin and goal of man always remain

¹⁾ Enrico Chiavacci, *Teologia morale*, vol. II: *Complementi de morale generale* (Assisi: Cittadella, 1980), 229f. See the entire, worth-while chapter "Il dibattito sull' 'autonomia della morale', 227-246.

²⁾ B. Stoeckle, l. c. 89; cf. 86f.

somewhat shrouded in mystery, this is also true for faith. "For who has known the mind of the Lord?" (Rom 11:34). "Imperfect is our knowledge", and as long as we are in this world we only see as "in a mirror dimly" (1 Cor 13:9 and 12).

Yet it is a correct insight that reason is not man's only access to reality. There are also the powers of intuition and the guidance of the Holy Spirit. There are inspirations which do not come from reason but from the heart. The method to gain them is not logic but contemplation. If faith is understood in this sense of intuitive contemplation and openness to the Spirit, it can indeed be said that the knowledge of the moral demand is in need of faith. Without doubt this faith is realized to the highest degree in biblical revelation, but it is not limited to it. It is a potentiality of every God-fearing heart.

It remains certainly true that this faith cannot assert itself arbitrarily. It must be able to legitimize and prove its moral insights and principles before the tribunal of reason. But in the process of the shaping of the ethical principles, faith is the more creative power and maintains the leadership. "Faith needs continuous confrontation in order to call forth its possibly hidden implications; reason on the other hand requires the creative-emancipatory impulse which emanates from the operation of faith in history."¹⁾

C. Natural moral law

"The natural law, as an idea, is almost as old as philosophy itself. Since the Greeks first began to philosophize it has appeared in every age and can be described as a sort of recurring decimal in the history of thought."²⁾ It has had its great moments of eclipse. It has been presented and defined in many different ways.³⁾ It has been criticized and at times been assailed scornfully. But it was never vanquished. No alternative has ever been found which could substitute for it.

Since the time when Catholic moral theology developed as a separate discipline, natural law has been one of its steady com-

1) Klaus Demmer, *Sittlich handeln aus Verstehen, Strukturen hermeneutisch orientierter Fundamentalmoral* (Düsseldorf: Patmos, 1980), 156.

2) Michael B. Crowe, "Natural Law Theory Today", in *The Future of Ethics and Moral Theology*, ed. by Richard McCormick and others (Chicago: Argus Communications Co., 1968), 78.

3) At times the plurality of definitions and interpretations is alleged as an argument against natural law. However this is the fate of many basic concepts. Love and justice have found many different definitions and interpretations, and yet nobody doubts their existence and need.

ponents. Especially great was the influence of Thomas Aquinas in this regard.¹⁾ Also in Anglican ethics the natural law doctrine has found a firm place. The attitude of the Protestant Churches, on the other hand, is more divided. In the first three centuries after the reformation, natural law still served as the foundation of Protestant jurisprudence. Only after the secularization of natural law by Pufendorf († 1694) and Thomasius († 1728) did Protestant theology of the 19th century turn in disappointment against it. And only then did the opposition between Catholic and Protestant attitudes towards natural law emerge.²⁾ Yet more recently Protestant ethics also gives new attention to the question of natural law.³⁾

The term natural law refers to those moral insights which man is able to know by means of his reason, independently of the verbal revelation of God. The word "natural" in the term has the meaning of (1) not supernatural, i.e. not communicated in a supernatural way; (2) not positive, i.e. not the result of a command of a legislative authority, as in positive human or divine law; (3) found in and derived from the nature of man. These explanations show that the doctrine of natural law deals with the question of natural ethics as a whole. Natural law, the moral law of nature, natural ethics and natural morality are synonyms.

Natural law doctrine is of fundamental relevance above all on two accounts. First, it is the basis of a moral order of universal character and constitutes a source of ethical wisdom which Christians share with all mankind, for it rests upon that reality which is shared by all men: their common humanity and existential conditions. Secondly, natural law is the only adequate safeguard against arbitrary exercise of political and legislative power. It is the final court of appeal against unjust, prejudiced laws of human authorities.

1) The natural law doctrine of Thomas Aquinas is a good illustration for the dangers of anachronisms. Time and again mention is made of his definition of natural law (*lex naturalis*) as a rule of action common to man and all animals (I-II, q. 94, a. 2), which he adopted from the Roman lawyer Ulpian. He is then criticized for his narrow-minded, physiological understanding of natural law. However the terminology of Thomas differs from our present one. The rule of action which corresponds to the specific, rational nature of man is called by him law of nations (*ius gentium*). Only from the 16th century on, does the term "ius gentium" refer to international law and "lex naturae" assume the meaning which is attributed to it today.

2) Cf. the very informative article by Hans Liermann, "Zur Geschichte des Naturrechts in der evangelischen Kirche", in *Festschrift Alfred Bertholet gewidmet* (Tübingen: J.C.B. Mohr, 1950), 294-324.

3) Cf. Karlheinz Peschke, *Naturrecht in der Kontroverse. Kritik evangelischer Theologie an der katholischen Lehre von Naturrecht und natürlicher Sittlichkeit* (Salzburg: Otto Müller, 1967). Heinz-Horst Schrey (Prot.), "Diskussion um das Naturrecht 1950-1975", *Theologische Rundschau, Neue Folge* 41 (1976), 59-93.

I. Concept of natural law

1. *The traditional concept*

According to traditional moral theology, natural moral law is that law of human conduct which arises from human nature as ordered to its ultimate natural end and which is recognized by the natural light of reason.¹⁾ That is to say, the subjective medium of cognition is reason alone. The objective ground in which the moral law is recognized and from which it is derived is, on the one hand, man's natural (not supernatural) ultimate end and, on the other, human nature not elevated by grace. In distinction from this, the Christian moral law (the "law of Christ") has as its medium of cognition reason aided and supplemented by faith, is ordered towards the supernatural ultimate end, and is based on human nature as elevated by grace. It must however be noted that there is no contradiction between nature and grace or between the natural and supernatural ultimate end. The supernatural end lies in the same direction as the natural, although it necessarily leads beyond it.

A particular difficulty is posed by the question of the precise *concept of nature* in the natural law doctrine. Which exactly is the human nature that serves as the source of the moral order? Some regard the essential, metaphysical nature of man as this source. One has in mind that nature which in all the varying conditions of time and space always and everywhere remains the same. Naturally the laws derived from this nature would also always and everywhere be the same; they are immutable. But it is rightly objected that such a nature is an abstraction which never exists as such and which also cannot be marked out with certainty. Besides, and this seems a still weightier objection, it is not comprehensible why the changeable conditions of human nature are not equally sources of the moral obligation. Indeed moral handbooks formulate many such obligations, as for example the obligation to adequate schooling in the developed societies of today.

Others distinguish between the empirical, factual nature of man and his ideal essence. Man's factual nature comprises all the physiological, biological, psychological and sociological structures and mechanisms in which human life exists and unfolds. Yet it often shows distortions, as for example a sluggish temperament or sadistic constitution. If the concrete human nature were to serve as

¹⁾ Cf. Marcellino Zalba, *Theologiae Moralis Compendium I*, 1958, no. 316: "Lex naturalis est divina creaturae rationalis in finem ultimum naturale ordinatio, necessaria, in ipsa natura expressa, naturali lumine rationis percepta."

the basis of the moral order, these traits would entitle a person to an indolent life or to sadistic gratification. Evidently no serious philosopher or theologian could agree to such conclusions. Accordingly only the ideal essence or nature of man can serve as the source of this moral law. This solution avoids the pitfalls of a possible biologism, psychologism and sociologism. The problem however is how the ideal nature can be distinguished from the factual one with its possibly deformed traits. The answers to this remain vague.¹⁾

Others again, and in particular J Messner, regard "the full actuality" of man's nature as the objective source of the moral order. It comprises his empirical, factual being together with "the ends designed in the physical and psychical instincts of his nature."²⁾ The physical, biological and social structures in which human life exists as well as the generic and individual traits of the human person have indeed an influence on the moral order and therefore are sources for it. But this factual nature of man includes as one of its very important components also the ends designed in the physiological, psychical and spiritual inclinations and aspirations of the human person. These ends answer the question how the potentialities of man and of the world around him should be used. Since these ends result from human existence and determine it, they are called by Messner "existential ends". And since they set before man aims which have to be realized, they impart to ethics a teleological character.

In harmony with universal and established human experience, the following survey of the existential ends can be given (chiefly based on Messner): self-preservation, including bodily integrity and social respect; self-perfection, including the enlargement of experience and knowledge and the improvement of the conditions of life; procreation and education of children; concern and care for the

¹⁾ There are still others who consider reason as the essential, primary element of natural law. The moral law is an order of reason. Morally good is what is according to reason. This view is correct insofar as reason definitely plays an essential role in the knowledge of natural law. Yet it is only one of the constituent principles of natural law, namely the subjective medium of cognition. Reason is not able to create the concrete moral order out of its own depths without a confrontation with outside reality. In this process reason has to judge whether certain modes of conduct are morally good or evil. According to which objective criterion is this done? This question is not answered, and it is the crucial one. "Reason as such guarantees neither humanity nor love" (Wolfgang Schrage, *Ethik des Neuen Testaments*. Göttingen: Vandenhoeck und Ruprecht, 1982, 14).

²⁾ Johannes Messner, *Social Ethics* (St. Louis and London: B. Herder Book Co., 1965), 18.

spiritual and material welfare of one's fellowmen; social fellowship for the promotion of common utility; commitment to goodness and value in its absolute, transcendental form, especially union with God through worship of him.¹⁾

The knowledge of these impulses and aspirations and the comprehension of their proper functioning is gained in the same way in which insight into the nature and proper functioning of other realities and living things is gained: by means of outward and inward experience. If man is able to distinguish the healthy drives of a housedog or horse from disordered ones, there is no reason to assume that he should be less able to draw the same distinction with regard to his own nature.

An example may help to clarify the interplay between the existential ends and the other factors of empirical nature. The study of human nature shows that the energies of the human body are limited; if overtaxed, exhaustion will lead to breakdowns and even death. These are empirical facts. Which are the conclusions to be drawn from this? The existential ends give the answer. One of these ends is self-preservation. It demands that an over-exertion of a person's energies be avoided in order to preserve his health and life. This is the moral demand.

However this may not be the only conclusion possible. Among the existential ends is also that of social fellowship for the promotion of common utility. One could imagine situations of national emergency which might justify and perhaps even demand the risk of an exhaustion of one's energies for the sake of the common good. This means that the demands of two existential ends are in conflict. How is this conflict to be solved? This question is not answered with sufficient clarity by Messner.

The solution is provided by the criterion of man's ultimate end. According to the definition of natural law, human nature is not the only objective source for the cognition of the moral law. Combined with it is the ultimate end. It is this end which determines the order of priority among the various existential ends. In instances of conflict between two existential ends, that end prevails

¹⁾ Cf. J. Messner, l. c. 19. A helpful summary of man's natural inclinations, which comes very close to that of Messner, is likewise found in Germain G. Grisez, *Contraception and the Natural Law* (Milwaukee: Bruce Publ. Co., 1964), 64. Like Messner, he too tries to develop his natural law theory on the basis of these inclinations (ib. 46-75). John Finnis presents a list of seven basic values, which are the following: life, knowledge, play, aesthetic experience, friendship, practical reasonableness and religion. Procreation is not included by Finnis (*Natural Law and Natural Rights*. Oxford: Clarendon Press, 1980, 86-90).

which is more urgent for the realization of the ultimate end. Moreover whenever the sacrifice of one of the existential ends (e.g. procreation) serves the ultimate end better, this sacrifice is allowed; at times it may even be demanded. The ultimate end also solves problems resulting from disordered traits in human nature, e.g. a sadistic constitution (if the problem cannot already be solved by the existential ends). In view of God's creative and salvific purpose for man and this world, a sadist has the obligation to renounce his devious desires and to avoid situations which could trigger his destructive tendencies.

In summary, then, the result of the discussion about the concept of nature in natural law doctrine is this. The concept of nature in the definition of natural law refers to the full reality of man's nature with all its empirical features and existential ends as well as to the nature of all those beings to which man's activity is related. Yet this nature is never the source of the moral order alone by itself, but only in combination with the requirements of the ultimate end.

Hence it is not correct to say that nature alone provides the basis for the moral norm. This would be correct only if nature were understood in so wide a sense that the ultimate end of creation were considered part of this nature. One might justify this on the grounds that existing reality is already a partial realization of God's plan and is intrinsically ordered to the ultimate end. However it must be noted that the ultimate end is contained and predesigned in existing nature only in an incomplete blueprint, just as the architectural masterplan for a building is only imperfectly revealed in a construction which is not yet finished. Besides man has also a transcendental destiny, which is his most important one. Preferably therefore the traditional distinction between nature and ultimate end as two complementary sources of the moral norm is to be retained.

2. The theological controversy on natural law

Traditional natural law theory encounters various criticisms and objections. It is argued that its claim to universal validity is defeated by the widely divergent moral codes of different peoples and times. Further natural law does not do justice to the historical character of the moral norm. It is too legalistic and unable to respond to the personal claims of God's grace and of love. It lacks eschatological orientation. It draws conclusions from the existing facts of reality to what man should do; but from what actually is one cannot conclude to what morally ought to be.

The first three objections will find their answers in the expositions on the three properties of natural law. The concerns of the third objection will be given additional attention in the study of situation ethics. The other two objections will be answered in the discussion of the existence of natural law. There is however still a further objection, and this shall be answered here. It is of theological nature and therefore usually only raised in theological quarters.

Protestant theologians often turn energetically and sometimes sharply against Catholic natural law. Their objections are different and varied. But one of the basic reasons for their dissatisfaction with Catholic natural law is the way Catholic theology relates it to the law of Christ or the law of the supernatural order of grace. According to Catholic moral theology there is the ethic of natural law, derived from a nature not exalted by grace, which obliges all mankind, pagans and Christians alike, in an equal way. To these general moral laws other obligations are added on a second level, binding for Christians only, which result from their supernatural life. Behind this concept is the Catholic doctrine on nature and grace, in which nature appears as the fundamental condition of man, to which grace is added in a second instance and more or less as an accident.

The nearly unanimous criticism of Protestant theologians against this "two-story-theory" is that the life of grace, which is superior in value compared to the life of nature, is placed in the subordinate condition of a quasi-accident. Moreover the Catholic supposition that there exists a nature deprived of the state of grace which would be nevertheless basically good is attacked as wrong. Also wrong therefore is the assumption that a law deduced from this nature is basically good and without any reservations acceptable as a norm for a Christian life. Exponents of this criticism are K. Barth, E. Brunner, J. Ellul, H. Thielicke and others.

Yet Protestants themselves find the greatest difficulties in offering satisfying solutions. From a corrupt nature only a corrupt law can be deduced. But how can a corrupt law be prescribed as a norm binding in conscience? Brunner, and even more so Thielicke, are in serious difficulties to prove the binding force of ethical norms not taken from Scripture. In the system of these authors such norms are always accompanied by the doubt as to whether they are not in reality perverted because derived from a perverted nature.

K. Barth, in his early years, seemed to offer a solution not

much more satisfying: an ethical biblicism.¹⁾ It would be only through the word of God in revelation that man could know what is good. But if this were true, pagans would have no means to arrive at valid moral norms, since they do not have the Bible. And no common ground would exist for the moral order of a society where pagans and Christians live together. However it turned out later on that in Barth's mind the word of God comes to man not only in the historical revelation of Holy Scripture but also in the revelation given to every man by the working of the Holy Spirit.²⁾ This is possible because the redemption of Christ is not limited in its effects to the baptized. The grace of Christ is active everywhere, though not everywhere known as such and less efficacious and powerful among non-Christian than among Christians. Thus the opposites of nature and grace, of a pagan world in the state of pure or corrupt nature and of a Christian world in the state of grace, find their unity in a christologic universalism. The truth is that after the redemption of Christ there is no longer a nature completely deprived of grace. The grace of Christ is working at all times and everywhere, even among pagans. And as a consequence, there is basically not a double morality of the state of nature and of the state of grace, but only the one morality of a mankind under the influence and dominion of Christ and his Holy Spirit and his grace.

The Catholic side came to similar insights and conclusions in the efforts of Teilhard de Chardin, K. Rahner, Ph. Delhay, H. de Lubac, H. U. von Balthasar, F. Böckle and others. The Constitution on the Church in the Modern World explains that Christ restored to the sons of Adam the divine likeness which had been disfigured from the first sin onward. "In Him God reconciled us to Himself and among ourselves. From bondage to the devil and sin, He delivered us, so that each one of us can say with the Apostle: The Son of God 'loved me and gave himself up for me'" (GS 22). And the Council continues in the same article — as already quoted in an earlier context: "All this holds true not only for Christians, but for all men of good will in whose hearts grace works in an unseen way. For, since Christ died for all men, and since the

¹⁾ Deeply dissatisfied with Barth's method to deduce moral laws by means of analogies from Holy Scripture, the Protestant theologian H. Thieliicke asserts that he would prefer Catholic natural law rather than adopt Barth's kind of supernatural law (cf. *Theological Ethics*, vol. II. Philadelphia: Fortress Press, 1969, 580 and 583).

²⁾ Expressions like gospel, revelation, word of God, faith and Christ often gain in Barth's language a significance which transcends their historical meaning. They then denote the hidden word of God which addresses itself at all times to all men, the hidden gospel which reveals itself continually and everywhere to people, the universal Christ who influences and unites people always.

ultimate vocation of man is in fact one, and divine, we ought to believe that the Holy Spirit in a manner known only to God offers to every man the possibility of being associated with this paschal mystery" (GS 22; cf. 29; NA 1).

It is on the basis of this solidarity and this common destiny of mankind, that the Council addresses itself in the above-mentioned Constitution "not only to the sons of the Church and to all who invoke the name of Christ, but to the whole humanity" (GS 2).

Conclusion: The distinction between a purely natural ethics on the one hand and a morality only for Christians on the other, therewith underwent a revision of great moment. There is no longer any fundamental difference between natural and Christian ethics. Neither can such a difference be asserted by reason of human nature from which the moral law is derived, because in Christ not only Christians but all men of good will are reconciled to God, receive the Holy Spirit, and are under the influence of grace. Nor can it be asserted by reason of the character of the ultimate end, "since the ultimate vocation of men is in fact one." There is only a difference in the knowledge and understanding of human nature, of the ultimate end and by that of the moral law; a difference, certainly, which is still important and which is not to be slighted. Christian faith imparts to man an insight into human nature, the final goal and the moral order which is much deeper, fuller and more to the point than the insight gained by reason alone.¹⁾ If God found it necessary to reveal this knowledge to men, particularly in his Son Jesus Christ, they certainly have reason to value this revelation highly. The importance of the message of Jesus is most forcibly underscored by the voice from the cloud on the mountain of transfiguration, which bids men: "This is my beloved Son, with whom I am well pleased; listen to him" (Mt 17:5 par).

Positive Christian revelation furthermore specifies the moral obligations resulting from the divine life of grace by positive divine precepts, especially in the realm of the virtue of religion and the sacraments. These specifications are, like charisms, free gifts of God's grace.

¹⁾ K. Barth formulates that the insights given by Christian revelation into the nature and destiny of man and the world are "toto coelo" superior to anything philosophical knowledge has been able to offer (*Church Dogmatics IV/2*. Edinburgh: T. and T. Clark, 1958, 724f).

3. Revised concept of natural law

When we bear in mind the criticisms against the former Catholic concept of natural law and take into consideration the new understanding of non-Christian mankind and its ultimate end as developed by Vatican II, we find that the traditional definition of natural law needs adjustment. Although the changes in the wording of the definition may appear as only minor ones, they give expression to a significant revision in the theological understanding of the concept.

Natural law then is defined as that law of human conduct which arises from the full reality of human nature as ordered to its ultimate end and which is recognized by means of reason, independent of positive Christian revelation.

The concept of human nature is to be taken in a rather wide sense. It refers — as already explained earlier — to the full reality of man's being with all its generic and individual traits as well as to the nature of all those beings to which his activity is related. It likewise comprises — in contradistinction to the traditional doctrine of natural law — those modifications of nature which are effected by Christ's redemptive work, not only in the baptized but in all mankind, and includes that share in grace which all men possess.

The ultimate end is no longer merely the natural one. It is the concrete, final destiny of man, which is, as the Council asserts, one and the same for all men, and divine.

Finally, with regard to the subjective medium of cognition, this medium is reason not aided by positive Christian revelation. However this must not lead to the false conclusion that reason in the definition is understood as completely withdrawn from the influence of grace. All cognition of reason in concrete mankind is everywhere influenced and guided by grace and the Holy Spirit, although in the case of non-Christians in a completely hidden way. Hence the medium of cognition is reason not aided by Christian revelation though under the influence of grace.

Natural moral law as described in the definition embraces the whole natural moral order. From the natural moral law must be distinguished natural right, which only covers that segment of natural moral law which is concerned with the realm of justice and the juridical order between men. Often however the two terms natural law and natural right are interchanged. The precise meaning of the terms in the mind of an author must therefore be learned from the context in which they are used.

II. Properties of natural law

1. *Universality of natural law*

The natural moral law binds every man at all times and in all places, for its basis is the very nature of men. In its essential characteristics it is common to all. All are called to attain the same final goal and to respect the same existential ends in essentially the same way, even if this way presents a varied picture in the details of its realization.

No one is free from the obligation of fulfilling this duty; no one is superior to the guidelines which show him the way to it; no one is beyond good and evil. Even those who are temporarily or permanently without the use of reason are not excepted from this obligation. Although they do not sin subjectively in offending against natural law, they break it materially and therefore can and often must be hindered from doing so (e.g. mentally sick persons who endanger the lives of others).

Of course no law can be binding in conscience as long as it is not known. But whoever has the use of reason, cannot remain ignorant of the natural law for long, at least not of its basic principles. By the very fact that man has a nature existentially oriented towards certain ends and that he has been given the power to recognize his essential obligation to contribute to the realization of these ends and not to obstruct them, the natural law becomes known to him.

a) Extent of the universal knowledge of natural law

A careful distinction has to be made between the objective reality of natural law and the knowledge men have of this reality. The objective reality of natural law is universal in a similar way as the physical or biological laws of nature are. They are truths which exist and are operative even if not known by men. The concrete knowledge of natural law on the other hand is not universal in the same way. Man does not possess this knowledge in a fully developed form from the beginning. He must evolve it, just as he evolves other forms of knowledge, as for example that of the physical or biological laws.

Scholastic theology distinguishes between primary and secondary principles of natural law. Primary principles are those norms which can be known with certainty by every normal man in possession of his reason. They are self-evident from his nature. All men

are aware of their existence, just as all men are aware of the most fundamental laws of nature, e.g. the law of gravity. Secondary principles on the other hand are those further conclusions of natural law which are less universally known and more readily subject to error.¹⁾

The primary principles of natural law are self-evident, but not moral judgements a priori. They are conditioned by experience. Yet once experienced, they are immediately evident to the practical reason. As soon as the development of reason enables a person to grasp the notions the primary principles convey, they are recognized as immediately evident. Messner qualifies them as "synthetic judgements a priori."²⁾ Indeed one has every reason to expect that nature will assure in man the knowledge of these principles which are indispensable for a meaningful life.

The most universal principle of natural law runs: "The known good must be done and evil must be avoided." Reason takes this way of acting for granted. But what is good and worthy of man's desire? The most general and basic answer to this is given by the following principles, which are equally evident to all people.³⁾

Maintain and promote your bodily life.

Maintain and promote social coexistence.

Duties of state of life (and parental duties in particular) are to be answered.

Lawful authority (and parents in particular) must be obeyed.

What you do not wish others to do to you, do not do to them ("the golden rule").

Leave to every one and give to every one what is his.

Contracts must be honoured.

1) At other times the criterion for the distinction is sought in the absolute or relative validity of a norm. Primary principles are those norms which enjoy absolute validity, while secondary norms are those which permit exceptions. This however seems to be the less common understanding of the distinction. Besides, the present tendency to question the existence of moral "absolutes" and to reduce the norms possessing absolute validity to only one or two renders this type of distinction unavailing and of very little practical use.

2) J. Messner, *Social Ethics* (St. Louis and London: B. Herder Book Co., 1965), 61. "In order to obviate misunderstandings it may be observed that to emphasize the dependence of moral insight upon experience does not mean that general moral principles are founded upon experience; rather it means that experience is a prerequisite for the apprehension of their evident truth as well as of their general validity" (ib. 32).

3) Compare ib. 59. Likewise Karl Hörmann, "Die Unveränderlichkeit sittlicher Normen im Anschluss an Thomas von Aquin", in *Sittliche Normen. Zum Problem ihrer allgemeinen und unwandelbaren Geltung*, ed. by Walter Kerber (Düsseldorf: Patmos, 1982), 37.

Also the principle that due honour is to be accorded to God is often included in the list. Doubtless as soon as the notion of God is grasped rightly, this duty is an immediate conclusion. But the phenomenon of atheism today shows that de facto not all men possess this notion nor are aware of this obligation.

All the other moral norms are considered secondary principles. Ignorance and error may obscure and distort them, even in entire nations and cultures. They are subdistinguished into proximate and remote conclusions of natural law. The proximate conclusions enjoy a wider range of acceptance and are more readily agreed upon. The commandments of the second table of the decalogue and the precept to honour God pertain to them. Also many of the "rights of man" belong here, although others pertain rather to the category of remote conclusions, as for example the principle of the equal dignity of all men or the right to freedom of religion.

The remote conclusions require a more advanced understanding of the nature of man and are often discerned only under great difficulty. Anyone who grasps the situation properly and can think rightly must necessarily agree to them. But the difficulty of surveying all the concrete data makes it possible for the uneducated to be invincibly ignorant of some of them even for a long time. And sometimes this is true even for the educated, as in the case of slavery or of the judgement that women are human beings of lesser rights. It is also possible that a community chooses a rule of conduct for the realization of an existential end which is not a completely wrong but a less perfect one, as for example polygamy. Some remote principles may even remain controversial among the very experts for a longer period of time (e.g. direct killing of a tyrant or suicide by hunger strike).

b) Uncertainties concerning the remote moral principles in the teaching of the Church.

The official Catholic Church, especially in the last hundred years, has often motivated her statements and decisions on moral issues by arguments taken from natural law. And since natural law is of universal character, these decisions have been understood as the genuine, objective norm of moral conduct for all men. Yet repeatedly non-Catholics have been of a different opinion on these moral issues. Thus they have rejected the claim of the Catholic teaching authority to give universal norms in her moral decisions, and with this claim they frequently reject her teaching on natural law and even the doctrine on natural law altogether. In recent

times such controversies have above all developed with regard to questions of medical and conjugal ethics.¹⁾

It is particularly in this regard that Protestants voice their criticism that Catholic natural law and ethics are not distrustful enough of themselves; a defect that is said to result in the claim of a correctness which overestimates itself. Also Christian ethics is in need of a constant critical checking to determine whether its norms represent correctly enough the true demands of the natural and biblical law.

In fact the remote principles of natural law do not always lie perfectly open even for Catholic moral teaching. It often needs a long time of study and evolution until the most correct conclusion is found. Thus the doctrine of religious toleration attained its full maturity in Catholicism only with Vatican II, and the teaching on conjugal love shows a process of growth, in which the most recent modification is the new evaluation of the ends of marriage by the Council.

Considering this fact that even Catholic ethics does not always present the most perfect solutions in its moral teaching, the question may arise whether this must not shake the confidence of her believers and of men in general in the Church and her moral theology. However an attitude of overall scepticism would certainly be a wrong and unjust reaction. Shortcomings occur in all sciences. Although we know, e.g., that experts in physics have repeatedly been in error about the exact laws of nature and physicians have often applied wrong treatments,²⁾ we still entrust ourselves to them in our corresponding problems. The reason for this is the very rightful conviction that these scientists, in spite of their errors, are still able to contribute more efficiently to the best possible solution of a problem in given circumstances than those who are not experts. The same is true in the realm of morality and justice. Moral theology, ethics and philosophy of law may not always

1) Cf. the questions of therapeutic abortion, artificial birth control, artificial insemination or sterilization for eugenic reasons.

2) Cf. the case of the physician Ignaz Semmelweis (1818-1865). In his time many women died of childbed fever and, unexplainably, more died of it in the hospitals and university clinics than at home. Simply by experience Semmelweis discovered that the infection rate in the hospitals was drastically reduced if the physician washed his hands when going from sick to healthy women in the maternity wards. He reported his findings in a congress and urged his colleagues to wash their hands before going from sick to healthy women. But being rather young and without a name, he was contradicted, ridiculed and rejected by the very professors of medicine. He was vindicated only twenty years later, when the need of asepsis was confirmed by the discovery of the bacteria.

present the best solutions. But in a doctrine of theirs, commonly accepted by the experts, the presumption favours the correctness of the teaching. To accept the decisions of the competent authorities still involves the least risk and is the most prudent way of acting.

2. Immutability and dynamics of natural law

A prominent trait of the modern man's understanding of himself and of nature is his perception that all things are in the process of evolution, subject to change and historically conditioned. Vatican II also is aware of this fact and strives to take it into account. "The human race has passed from a rather static concept of reality to a more dynamic, evolutionary one" (GS 5). This calls for new efforts of analysis and synthesis. But the Council likewise asserts that "beneath all changes there are many realities which do not change" (GS 10). Permanence and historicity alike characterize the nature of man and his world.

Immutability of natural moral law means that as soon as man endowed with reason had appeared, certain fundamental norms concerning good and evil emerged from man's nature and these will exist as long as human nature exists. There is a constant in human nature which remains throughout all historical and cultural change.

Yet in the moral sphere, as in every other, men have to learn by trial and error and by patient scientific effort. The laws of physics have always existed, immutably; but their discovery by men was a slow process, accompanied by many mistakes. It is not different in the realm of morality. There has been a long evolution in moral consciousness from the days of primeval man up to the present day. This evolution is marked by many blunders and by ignorance of laws which we regard as fundamental nowadays, e.g. freedom of religious beliefs, equality of rights of all men, humane treatment of prisoners of war. Ignorance of these rights and laws does not say that they did not exist before. Objectively they have always had immutable validity. But here as well as in all other sciences, man's insight into these laws had to proceed from imperfect to perfect knowledge. This kind of evolutionary process does not signify a mutability of natural law itself, but only an alteration of human insight into it.

There is however also the fact that man himself and his conditions of existence change. This can be seen from a glance at the course of development from Neanderthal man to the present day. Such changes indeed bring about alterations in the norms of natural law which are objective and real. As man and his living conditions

change, the application of the same, basic principles leads to different conclusions. This signifies a historicity and mutability of natural law in the proper sense.

The changes may result from alterations of human nature itself. One cannot a priori exclude that such mutations still take place. However scholars like Teilhard de Chardin consider the biological evolution of man practically to be closed. Changes of morality on this account therefore do not seem likely at the present stage of development. "In fact the question of such an evolution and its effects on moral theology hardly plays a role in contemporary discussion."¹⁾ If some moralists speak of changes of man's nature, a closer look usually reveals that they only refer to changes caused by civilization, culture and the like.

The changes in man's conditions of existence however are many, and they accelerate at an ever faster pace. "There seem to be two ways in which the changes in man take place — one of them primarily inward, intellectual, and spiritual, whereby formative images and ideals are created and projected, and the other primarily physical, consisting in the techniques and apparatus whereby man carries out his operations. Clearly, however, the two ways are very closely related."²⁾ Changes of this type often result in modified or new demands of natural law. Examples are the trend, brought about especially by better schooling and education, to increase the citizens right to political codetermination, above all by means of democratic vote; or the greater need of birth control on account of the drastic reduction of infant mortality; or the duty, graver today, to undergo a therapeutic amputation in view of the new possibility of anesthesia and antisepsis.

Thus natural law is by no means a static reality, but a reality of dynamic character. The evolution from taboo ethics to the principles of the Atlantic Charter and of human rights demonstrates how dynamic a power natural law is. Yet this dynamics is immutably related to the order of being from which natural law derives, with the result that wherever nature is the same, the demands of natural law are also the same.

3. *Indispensability of natural law*

In the true sense of the word no dispensation from natural

¹⁾ Andreas Laun, *Die naturrechtliche Begründung der Ethik in der neueren katholischen Moralthologie* (Wiener Dom-Verlag, 1973), 152.

²⁾ John Macquarrie, *Three Issues in Ethics* (New York: Harper and Row, 1970), 46.

moral law is possible, at least not from the side of human authority. Since human nature and the ultimate end, from which natural law derives, are not created and set up by man but by a power superior to him, natural law likewise exists independent of man's assent. It is withdrawn from his power of free disposal. For Christians, as for many other religions as well, the power which created man and claims him unconditionally is God. The origin of the order of natural law is accordingly likewise God. Natural law is identical with God's will. Evidently man has no authority over a law of this status. Exceptions or dispensations from natural law based on purely human authority are usurpations of a right man does not possess. They are violations of the divinely willed order.

The possibility however that God himself may allow an exception from natural law in some extraordinary case cannot simply be excluded, as long as this exception does not contradict God's own nature. Suspension of a natural moral law by a special divine intervention seems just as possible as suspension of natural physical laws in miracles. God's command to Abraham to sacrifice his son Isaac can be considered such an exception. Instances of this kind of course always demand an express positive divine revelation. More recent instances of such exceptions can at times be found in the lives of saints. For example, the Swiss farmer Nicholas of Flüe († 1487), father of 10 children, was ordered by the voice of God to leave his wife and children (the youngest was only a few months old) and to lead the life of an eremite. What would have been irresponsible for another father to do, was proven genuine in his case by the signs surrounding his vocation; e.g. he abstained from all food for almost 20 years.¹⁾

If dispensation from natural law in the true sense is not possible, exceptions from it in an improper sense are nevertheless conceivable and indeed do occur. This is the question of *epikeia* in natural law.

The doctrine of *epikeia* was developed particularly by Aristotle. It gained influence in Christian ethics when this doctrine was adopted by Albert the Great and Thomas Aquinas. Yet in the writings of these authors *epikeia* only refers to certain exceptions from

¹⁾ As another example can serve Jeanne D'Arc († 1431), who was ordered by heavenly voices to take charge of the French army at the age of 17 and to free the country from a long, disastrous occupation by the British. The same voices also ordered her to dress as a soldier and wear man's clothing. For any other woman of her time this would have been unthinkable and gravely scandalous. But unmistakable proofs confirmed the authentic character of her mission; e.g. she revealed secrets to the Dauphin Charles which he alone knew.

human laws, made by private authority in some particularly difficult case. The need for such exceptions arises from the fact that human laws are often imperfectly formulated, either because the legislator did not find the right words, or because certain instances which should or should not have been covered by the law (usually borderline cases) escaped his attention. In such instances the subject of the law is at times entitled to exempt himself from the law and to disregard it. The justification is ultimately the greater justice of the natural law. This doctrine will be discussed more in detail below in the section on human law.

If natural law is the justification for the use of *epikeia* with human laws, what could serve as justification for the use of *epikeia* with natural laws? In order to answer the question, a distinction must be made between the objective order of natural law on the one hand and the formulation of these laws in human words on the other. The objective order of natural law is the structure according to which man has been created. It is the work of God and does not permit of dispensations, as has been explained earlier. The formulations of natural law however are the work of man. They are subject to the imperfections of human language and insight in a similar way as the wordings of human laws are. In order to compensate for these imperfections, *epikeia* may at times be called for.¹⁾

Thus for example the majority of the traditional manuals of moral theology consider the prohibition of lying as a precept of natural law which permits of no exceptions. But if in a concrete case somebody is confronted with the alternative to save an innocent life by a lie or to give the would-be murderers the fatal information which they demand, many an upright person might feel justified to make an exception and tell a lie. He may come to the conclusion that the wording of the prohibition is too narrow and that the real demand of natural law, or the real will of God, in this particular case is different. The decision to resort to an exception in this situation is an instance of *epikeia* from natural law in the asserted, improper sense. It can be defined as an exception from the human wording of a natural law in a case of conflict where a person's conscience has gained the moral certainty that the wording is deficient and should not be applied. Of course the use of *epikeia* in such cases demands an upright sense of responsibility before God, the ultimate source of every moral obligation.

¹⁾ This is also the opinion of Josef Fuchs, "‘Epikeia’ circa legem moralem naturalem?" *Periodica* 69 (1980), 251-270.

III. Existence and ultimate basis of natural law

The existence of a moral law is a universal experience of men. "In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience...For man has in his heart a law written by God." According to it he will be judged (GS 16; cf. DH 3).

This law is a natural endowment of man. It tells him of certain moral principles which he is bound to obey, independently of his individual will. Some, i.e. the most general principles, are known and experienced as obligatory everywhere. And although the true insight into other, more detailed principles may at times or even often be missing, man will recognize their binding force as soon as he is able to detect his error and gain the right insight into them. On this conviction the Declaration of Human Rights is based and the international laws adopted and upheld by the United Nations Organization (UNO).

Referring to the universal witness of conscience, Vatican II expresses its firm conviction of the existence and binding force of natural law. The Council recalls to all men "the permanent binding force of universal natural law and its all-embracing principles. Man's conscience itself gives ever more emphatic voice to these principles" (GS 79). Everybody has to respect "the limits imposed by natural law", whether they are public authorities or individual citizens (GS 74). The Church is called to preach not only the gospel of Christ but also "those principles of the moral order which have their origin in human nature itself" (DH 14), i.e. the "natural law" (GS 89). This is her right and duty because the natural moral law is a divinely willed order. Holy Scripture itself expects and demands respect for this order from all men, Christians and non-Christians alike, as has been shown earlier.

The intrinsic reasons which confirm the existence of a natural moral law are two. The one is taken from the existence of a divine plan for this world, based upon God's eternal decrees; the other is inferred from the axiom "action follows being". Both require a detailed presentation. A discussion of the controversy about the deontological and teleological foundation of ethics shall follow.

1. *Natural law as reflection of God's eternal decrees*

Natural law, as moral law in general, has been defined as a law of human conduct ordering man's activity towards the ultimate end. This means to say that the moral law presupposes the existence of an

ultimate end and of a purpose for the world. On the other hand it will also be true that, if there is an ultimate end and if the world has a purpose, this must necessarily result in a purposeful world order and a moral law for man. Moral theology of the past has developed this argument with the aid of the doctrine of the divine decrees. This is to be explained and unfolded in the following.

a) *Christian notion of divine decrees.* It is an essential part of Christian doctrine that God is the creator of the world. From eternity he sees all possible worlds in which his infinite perfection can be reflected. Yet he has freely chosen to create in time a particular world to share in his divine goodness and to manifest his glory. In his eternal vision God knows the all-embracing end of the whole world and the partial ends to be appointed for individual creatures. By his decrees, then, he settles that all things shall be created in such a way and with such abilities that through their appropriate activity they are able to contribute to the divine plan.

Thus the eternal plan and decrees of God — also called the eternal law — embrace absolutely all created operations and laws of operation: the activities which do not come within the scope of free will and those by which rational creatures move freely to their end; the necessary laws which govern the activities of irrational creatures and the moral laws which are to be observed freely. In the eternal plans and decrees of God, all the laws of nature and also the moral laws ultimately have their origin and consistence.

b) *Existence of divine plans and decrees.* Holy Scriptures are of the firm persuasion that God has a very well-defined plan for this world, and above all for mankind. This plan has its aim in God's glory and universal reign and in the salvation of mankind, as has been shown above (cf. part II, chapter I theonomous ethics). Furthermore God's universal wisdom is regarded as the ultimate fountain of the marvellous cosmic order in the world (Job 28:20-27; Wis 8:1; 11:20; Sir 42:15-25) as well as of the moral order (Job 28:28; Prov 8:14-36; Bar 4:1). Divine wisdom judiciously arranges "all things by measure and number and weight" (Wis 11:20).

In regard to the proof from reason, the conviction that God rules the evolution of creation and no less the course of human history according to divine plans and decrees essentially springs from the thought that God as supremely wise cannot act without a plan. To do so would result in a desultoriness, impairing divine glory in a way unbecoming of God. Vatican II takes for granted the existence of a divine plan for the world and of corresponding laws. Individuals

as well as communities have to conform their actions to them. "Hence, the norm of human activity is this: that in accord with the divine plan and will, it should harmonize with the genuine good of the human race, and allow men as individuals and as members of society to pursue their total vocation and fulfil it" (GS 35; also DH 3).

Another strong evidence for the existence of a purposeful world order and a plan underlying creation is taken from experience. This evidence is available and plain even to those who do not believe in God, if they look at reality without prejudice and keep their minds open for the truth. We observe in the cosmos and in human nature the working out of stable laws, creating and warranting meaningful interrelations between beings, and a wise ordering of the whole world. We likewise notice the process and aspiration of a surprisingly purposeful evolution in the history of creation and mankind. The deeper the human mind penetrates the mysteries of nature, the more wonders he discovers of an astoundingly wise order and marvellous interaction in the world.

c) *Moral law as consequence of God's plan and decrees.* By the simple fact that a certain goal has to be reached, all those actions which are not conducive to the goal and which obstruct it are immediately and generally excluded as rejectable. Likewise the goal to be realized dictates, at least in a general way, the positive steps which have to be taken in order to achieve the task.¹⁾ If therefore the world has been created according to a certain plan for a purpose to be realized, this will necessarily include a law of action and operation for all that exists, obviously also for man. From the existential destination of men and women to the service of God's purpose, a law of action necessarily results for them which they must follow, if they are to fulfil the tasks assigned to them. The existence of a divine plan for this world demands the existence of a law in nature that makes the realization of this plan feasible and that guarantees it. In the case of man, and in harmony with his nature, this law has to be investigated and obeyed in free and responsible decision. This is the moral law. It is a natural moral law because it does not owe its existence to a supernatural revelation, but to a finality inherent in the nature of creation.

¹⁾ Compare the party-politics of communism which decides what is lawful or rejectable by the criterion whether a certain conduct serves the aims of the party or not.

2. *Natural law as based on the order of being*a) General implication of the axiom
“action follows being”

The axiom “action follows being” (*agere sequitur esse*) is one of the ultimate ontological principles which admit of no further proof in the strict sense, but which can only be explained in order to show their evidence. The meaning of the axiom can be that action is later in temporal and logical sequence than being. But of interest in this context is the other meaning, that the quality of an action is determined by the quality of the being which is its cause, or that a thing acts according to its nature.

The origin of an action is the nature of a thing, while the action is that what is caused. In other words, the nature of a thing is the cause, and the action is the effect. Yet according to the principle that nothing is without sufficient reason (*nihil sine cause sufficiente*), every effect must find its sufficient reason in its cause. Hence action must find its sufficient reason in that being which is its cause. This means, negatively formulated, that action cannot be of another nature than its cause. It cannot be of a different or more comprehensive quality than its source. Positively formulated, action must be of the same nature as its cause. B. Häring rightly states that no philosophy could exclude this scholastic axiom, at least not practically.¹⁾

In all beings the activity is conditioned and determined by being, that is, by the proper nature of a thing and its relation to the world about it. In non-rational beings this determination is of compulsive character. Nature is for them a necessitating norm. Not so with man. He is not totally bound by necessity to the norm of his own being. With regard to the actions subject to his free will, he can freely comply with the norm he recognizes or deliberately ignore it. However he cannot ignore the laws of his being without suffering the negative consequences of such discord. A man can choose to take heroin. But if he does so, he will ruin his health and life. He can disregard the laws of static calculation, but the building will collapse.

b) Application of the axiom to man's activity

In this context we are only concerned with man's free, moral activity. According to the axiom “action follows being”, man's moral

1) B. Häring, *The Law of Christ*, vol. I. 1966, 228.

obligation must be derived from and measured by the nature of his being. Man's nature is taken here in its broadest meaning, with all its natural and supernatural constituents and endowments. Applied to actions of the moral order, then, the axiom could be formulated: The order of action must correspond to the order of being; or: The ought rests on what is.

Accordingly man must act in harmony with his nature. A contrary attitude is condemned to frustration, failure and defeat, since it attempts actions for which the means do not exist, or which do not find the necessary preconditions in nature to be efficient and sensible and therefore turn out to be preposterous. Hence the law of man's action is determined by man's nature, and this is universally true for all human actions, his free actions included. Consequently there is a natural moral law.

The task of ethics and moral theology is to recognize man as he really is in his true nature with all his essential relations, and to derive therefrom the moral laws which are to direct his activity. There cannot be any doubt that men have many qualities and conditions in common. This must result in corresponding common obligations, which can be formulated in general laws. The individuality of a person of course, by which he differs from other men, will be the source of individual obligations not comprehensible by general laws. Yet these peculiar, personal calls will certainly not contradict those general obligations which result from the nature a man has in common with others.

It is also a matter of fact that nature at the same time shows constancy and mutability. This means that moral law is immutable or mutable insofar as nature in general and human nature in particular are immutable and mutable. Therefore philosophers and theologians justifiably point to the historicity of moral law and demand that its historical relativity must be taken into consideration.

The order of being also comprises the inclinations and aspirations of nature which strive to effectuate their corresponding goals. The knowledge of just these inclinations and aspirations is of greatest importance for the formulation of the moral imperative.¹⁾ And here again we meet with man's relation to God and with his existential orientation towards the ultimate goal. Man does not bear the ultimate meaning within himself, but can only be understood in his relation to God and to the divinely established plan, to the realization of which he is called to contribute. From this existential reference it follows that man may not merely look to himself and the

¹⁾ Cf. Johannes Messner, *Social Ethics* (St. Louis and London: B. Herder Book Co., 1965), 18f.

surrounding world for the deduction of the moral law. This is only one of the constituent principles of the moral order, the ontological determinant. He must never fail to look, at the same time, to the goal he is assigned to promote and to realize, and for which he is ultimately destined. This is the other constituent principle, the teleological and eschatological determinant.

c) Hume's critique and answer to it

The basic thrust of the argument just developed is that the moral law is inherent in the structures of nature, just as physical or biological laws are inherent in it. The careful study of nature, and in particular of man's nature, reveals these structures and enables him to know the moral laws which must govern his actions. From the existing facts of reality conclusions are drawn to what man ought to do.

Against this form of argumentation Hume raised an objection in his "Treatise" of 1739/40, which has become known as the principle "no ought from an is".¹⁾ His argument is that one cannot conclude from what actually is to what morally ought to be. While this objection has enjoyed much discussion in philosophical quarters of the English speaking world, it found surprisingly little attention among philosophers outside it. Catholic moral theology did not attend to it either until very recently.²⁾ Nevertheless it is an objection which merits to be taken seriously and to be discussed.

The problem is this. The study of nature reveals the laws according to which beings function, the purposes for which they are made, and the good or bad consequences a certain way of conduct will have. Thus for example the study of nature reveals that a house built on sand without foundations will not last; or that teeth are made for chewing food and not stones. These observations present facts. They state what is or what will come to be if certain actions are done and certain conditions fulfilled.

1) David Hume, *A Treatise of Human Nature*, book III, part I, section I, at the end.

2) Eric D'Arcy calls attention to Hume's criticism in a contribution to a collection of essays, edited by G. Outka and J. P. Reader, *Religion and Morality* (Garden City, N.Y.: Anchor Books, 1973), 175 and 181. He identifies Hume's objection with the "naturalistic fallacy", discussed and criticized by Moore. However this is not fully precise. Moore's criticism deals with a different problem and is more complex. The objection "no ought from an is" is also outlined by Andres Laun, *Die naturrechtliche Begründung der Ethik in der neueren katholischen Moraltheologie* (Wiener Dom-Verlag, 1973), 71f, however not with reference to Hume but to H. Kelsen, *Reine Rechtslehre* (Wien, 1960).

Now Hume objects that from these facts no definite conclusions can be drawn as to what men morally ought to do. From the existence of certain laws of nature, from the purposes of certain beings, and from the bad consequences of a certain action one cannot conclude to the moral obligation to respect these laws and purposes and to avoid the bad consequences. Why could we not at times build houses without foundation? Why should we not use our teeth for chewing stones? The answer shall be given in three steps.

(1) The use of things according to their intrinsic laws and purposes guarantees their serviceable and efficient use. Contrary use frustrates and destroys them. If teeth are used for chewing stones or cutting wires, they will be destroyed. Everybody must agree that it is not reasonable to act like this. The duty of reasonable, purposeful, efficient use of beings is an immediate awareness of all normal men. Therefore men readily conclude from the knowledge of the purpose of a thing to the moral obligation of a corresponding, good use. This conclusion is generally correct. Nevertheless one can also conceive of exceptions. If one can save one's life by cutting with one's teeth a wire which is meant to explode a bomb, one may do so, even at the risk of breaking them. And quite in general the question arises why it is unreasonable to frustrate or destroy things. What is the deeper reason?

(2) The realization of man's existential ends is the reason why a purposeful use of beings and things is demanded. A contrary use will impair these ends. The existential ends have been outlined earlier. Briefly they are: self-preservation; self-perfection; procreation and education of children; concern and care for one's fellowmen; social fellowship for the common good; communion with God. The useless and dangerous construction of a building without foundation on sand, especially if it is a bigger one, contradicts the purposes of self-preservation and care for one's fellowmen. The arbitrary destruction of one's teeth contradicts the existential end of self-preservation.

Occasionally however the existential ends can also justify the use of a thing against its nature, if this were to serve them better. The mentioned instance of cutting a wire with one's teeth in order to save one's life, even though it will destroy them, is justified by the purpose of self-preservation as well. Self-preservation is served by many goods, and in a conflict the more urgent good prevails over the lesser one.

But a further question is still to be answered. Why must the existential ends be respected and promoted? Why are they valued?

(3) The final answer is found in man's ultimate end. The existential ends must be respected and are values because through their furtherance the ultimate end is promoted, i.e. God's glory, his kingdom and the unfolding of his creation. Particular tasks implied in this end are, as explained above in detail (pp. 91-94), the subjection of the earth, the development of the human person, the promotion of social values and the union of love among all mankind. Ultimately then that use of beings and functions is good which best serves and promotes the purpose of God's plans. (The ultimate end is also the arbiter in cases of conflict between two existential ends; but this has been mentioned earlier.)

The ultimate end is the ultimate norm for the appropriate use of beings and things. As a rule the ultimate end is best served by the use of things according to their inherent purposes; therefore this use is obligatory. This obligation is favoured by presumption; it does not demand a special proof in each case. Occasionally however the ultimate end may be served better by the use of a thing against its nature, as in using one's teeth for cutting a fatal wire. Such a practice is likewise justified and often even demanded. But since this is the exception, it has the burden of proof.

Conclusion. Natural law doctrine formulates the principle: the order of action must correspond to the order of being. Or, the norm for human activity is determined by the nature of man himself and the nature of those beings to which his activity is related.

Negatively formulated, this means to say: In his actions man may never ignore the nature and laws of beings, i.e. he must always take them into account. A man may construct a house on sand, risking its collapse (e.g. for the production of a film); but he should know what this implies. Positively stated: Man must act in harmony with the laws of beings, as long as the still higher law of man's ultimate end does not demand something else. In following the laws of nature, man usually acts well.

But it does not mean that nature provides the exclusive basis for the moral norms, or even only for some of them. This presupposed, Hume's principle "no ought from an is" indeed contains a valid insight. From the existing reality of nature alone no final conclusions can be drawn with regard to man's moral obligations. The additional criterion of the ultimate end is required to gain these conclusions.

If however Hume's principle were to mean that the study of existing reality is of no avail for the elaboration of the moral norms, this would be a graver error still than the one criticized by him. Maybe the obvious falseness of such an assumption explains why

many philosophers and theologians did not take Hume's objection seriously. Definitely the study of nature provides much data and many patterns and finalities which are truly relevant for the moral norm and constitutive for it. The norms for man's action are indeed derived from the nature of beings, although not from it alone.

3. *Deontological and teleological foundation of moral norms*

The foundation and justification of moral norms has been the subject of a lively discussion among theologians since the early 70's. In a particular way it has focused on two basic types of the foundation of moral norms, which have been termed deontological and teleological and which shall be discussed in the following pages.¹⁾

a) *Clarification of terms.* The terms "deontological" and "teleological" were first combined and contrasted in 1930 by C. D. Broad.²⁾ Deontological theories (from the Greek *deon* = duty) maintain that there are certain acts which are always ethically right or wrong, no matter what their consequences, e.g. suicide, abortion, adultery, rape, denial of faith, breach of the confessional secret, etc. Such absolute prohibitions are today often called "moral absolutes". Teleological theories (from the Greek *telos* = goal) on the other hand hold that the rightness or wrongness of an action is exclusively or at least decisively determined by the good or evil consequences which an action produces. All other considerations remain subordinate to this criterion. As long as the good consequences prevail over the bad ones, the action is ethically right. Thus, e.g., the suicide of a spy is morally right if this is the only safe means to safeguard vital, national secrets. Purely

¹⁾ Two monographs on the question stand out, which have inspired the discussion in a particular way: Richard A. McCormick, *Ambiguity in Moral Choice* (Milwaukee: Marquette Univ., 1973) and Bruno Schüller, *Die Begründung sittlicher Urteile, Typen ethischer Argumentation in der katholischen Moraltheologie* (Düsseldorf: Patmos, 1973, second, revised edition 1980). Helpful collections of some basic articles and studies on the issue are found in Charles E. Curran and R. A. McCormick, eds., *Readings in Moral Theology No. 1: Moral Norms and Catholic Tradition* (New York: Paulist Press, 1979) and R. A. McCormick and Paul Ramsey, eds., *Doing Evil to Achieve Good* (Chicago: Loyola Univ., 1978). The latter volume is a collection of responses to McCormick and his own rejoinders. (It also contains *Ambiguity in Moral Choice*.) Both volumes include contributions by B. Schüller. Special attention merit also the studies of John R. Connery, "Catholic Ethics: Has the Norm for Rule-Making Changed?" and Lisa Sowle Cahill, "Teleology, Utilitarianism, and Christian Ethics", both in *Theological Studies* 42 (1981), 232-250 and 601-629.

²⁾ C. D. Broad, *Five Types of Ethical Theory* (New York: Harcourt Brace, 1944, 3rd ed.), esp. 206-216.

deontological and purely teleological theories are however ideal types. Most ethical theories are mixed theories, sometimes predominantly deontological and sometimes predominantly teleological.

This is also true for the majority of the Catholic theologians who in recent years have pronounced themselves in favour of a more thorough teleological argumentation in moral theology. They advocate mixed theories, although with a much stronger teleological orientation than the traditional teaching.¹⁾ On the one hand they hold that in the judgement on the moral rightness of an act the consequences have always also to be considered. For this reason they reject those absolute prohibitions of tradition whose morality is solely derived from the object of the act, independently of any possible consequences, i.e. the above mentioned "moral absolutes". On the other hand they maintain that in this judgement aspects other than the consequences have likewise to be taken in account, e.g. the obligation of fidelity in promise-keeping, or considerations of fairness and justice. This is the position expressly adopted by C. E. Curran and R. A. McCormick. (It is called by them "mixed consequentialism" or "moderate teleology".)²⁾

The teleological theory, often also called consequentialism or proportionalism, is usually equated with utilitarianism. Schüller takes this equation for granted and himself advocates a consequently teleological approach in the ethical argumentation.³⁾ If the equation is correct, all the arguments which militate against utilitarianism will also militate against the teleological theory. In fact

1) Advocates of a stronger, more thorough teleological orientation in Catholic moral theology are P. Knauer, J. Fuchs, B. Schüller, R. A. McCormick, L. Janssens, C. E. Curran, E. Chiavacci, L. S. Cahill, R. Ginters, F. Scholz.

2) Cf. *Readings in Moral Theology No. I*, l. c. 352-354; 356 (Curran) and 317f (McCormick).

3) Cf. "The Double Effect in Catholic Thought: A Reevaluation", in *Doing Evil to Achieve Good*, l. c. 167. Clearly Schüller subscribes to a resolutely teleological approach in ethics in *Die Begründung sittlicher Urteile*, 1980, 286f. Definitely teleological are also the approaches of Franz Scholz ("Sittliche Normen in teleologischer Sicht", in *Stimmen der Zeit* 201, 1983, 707f) and Rudolf Ginters (*Werte und Normen*. Düsseldorf: Patmos, 1982, 193-195; 214). Ginters distinguishes, within the teleological theories, between ethical egoism and utilitarianism. The latter strives after the greatest happiness of all in the best possible manner and is the theory for which he himself opts (207-214).

the same objections have been repeatedly raised against both.¹⁾

However there are authors who maintain, and it seems correctly so, that **utilitarianism is only one form of teleology**. It is that form which seeks the good in temporal types of pleasure and happiness. It must be distinguished from other forms, particularly from Thomistic teleology, which seeks the good in quite a different end of man, namely in God's glory and reign. This distinction merits greater attention than it has received until now.²⁾ Differences in the definition of the ultimate goal quite naturally must result into differences between the teleological theories. The reason is that the ultimate goal at the same time serves as the ultimate criterion for the evaluation of the consequences of an act. If the criterion differs, the evaluation will also differ. Accordingly there are as many different forms of teleology as there are substantially different definitions of the ultimate end.

In the following, the arguments for the deontological and teleological theories shall be presented. It is interesting to note that each of the theories principally bases itself on one of the two arguments used above to prove the existence of natural law. The deontological theory bases itself chiefly on the argument from the order of being (at least in Catholic moral theology), the teleological theory on the argument from the final goal of man and creation.³⁾

b) *Argument in favour of deontology*. The principal argument for deontological norms is taken from the existence of an order of nature. All beings are equipped with their own qualities and faculties, which enable them to perform the tasks proper to them and — in the case of living beings — to provide for their existence. An analysis of these qualities and faculties and of the laws

¹⁾ Cf. John R. Connery, "Morality of Consequences: A Critical Appraisal", in *Readings in Moral Theology No. 1*, l. c. 244-266. Robert Spaemann, "Über die Unmöglichkeit einer universal teleologischen Ethik", in *Philosophisches Jahrbuch* 88 (1981), 70-89. (The critique of Spaemann is directed not at any type of teleology, but only at utilitarianism, as explained on p. 71.) Harald Oberhem, "Teleologische Normenbegründung? Kritische Anmerkungen zu einem moraltheologischen Programm", in *Theologie und Glaube* 71 (1981), 280-316.

²⁾ Cf. Lisa Sowle Cahill, "Teleology, Utilitarianism and Christian Ethics", in *Theological Studies* 41 (1981), 605; 627-9. Idem, "Contemporary Challenges to Exceptionless Moral Norms", in *Moral Theology Today: Certitudes and Doubts*, essays by various authors, Saint Louis, Mo.: The Pope John Center, 1984, 128f. (Distribution now by Franciscan Herald Press.) See also the discussion in the same book, p. 201.

³⁾ A useful presentation of the arguments for the two theories is found in Franz Böckle, *Fundamental Moral Theology* (New York: Pueblo Publ. Co., 1980), 235-247.

according to which they function permits conclusions to the correct and rightful treatment and use of beings, including the treatment and use of man's own being, organs and functions. From there corresponding moral obligations result; because the correct, appropriate use of beings and the respect for their nature are not left to the free discretion of men, but are moral duties.

The study of the nature of beings and especially of men, moreover, gives insights into the rights they can claim (and naturally also into the correlative duties they have). Thus women have the same rights as men, not primarily because this will produce good consequences, but because both possess the same nature and dignity. Cretins have the right to life as much as other human beings, because they share the same nature. Commutative justice demands equivalence between service and remuneration, as required by the natural law principle "to each one his own". God is to be worshipped, because man is his creature and subject and therefore must reverence and obey him.

An analysis of the finalities and purposes of things permits conclusions as to their inherent needs and purposes. If these inherent needs and purposes are disregarded, the consequences will indeed be damaging and fateful. But one has not to wait first for the bad consequences first, in order to come to this conclusion. A watch is made to indicate the time. A simple study of its nature will reveal that one cannot use it as a hammer without destroying it. A knife is not made for eating soup; one can know it beforehand. The nose is not made for the intake of solid food; one does not need an experiment to know that an attempt to do so will clog it.

There is a common sense awareness which says: If things are treated and used according to their nature, they will serve man best. If however they are used in contradiction to their nature, they prove inefficient and often will be damaged or destroyed.

Does this mean that one may never use a thing contrary to its nature and risk its destruction? This conclusion is often drawn, but it is not entirely correct, as has become clear in the discussion of Hume's objection. This is the limitation of the argument. From the laws and working mechanisms of nature alone no immediate conclusions can be drawn as to what is morally correct and right. For example, even though a watch will be destroyed if it is used as a hammer, one may do so if one can thus fix a hole in a lifeboat and save the passengers. That means to say, in order to safeguard a good of greater value than the one endangered by the "unnatural" use of a thing, one may resort to such a use. However such an onerous use is the exception and not the rule; therefore it needs a

special justification. As long as the justification of an exception remains doubtful and is not morally certain, the duty to abide by the nature-ordained purposes and rights prevails. The moral certainty to the contrary must be the greater the higher the value is which is at stake. A less certainty is required to risk the loss of a tooth than to risk the loss of a human life.

The reservation that a higher value may justify the use of a thing contrary to its nature introduces, it has to be realized, a deliberation of teleological and consequentialist character. Deontological considerations alone are accordingly not sufficient for the foundation of the moral norm. This however is not something novel for Catholic moral theology, whether old or new. The only question is to what extent teleological considerations have to be taken into account. This has to be examined in the following.

c) *Argument in favour of teleology.* The argument in support of the teleological theory is rarely expressly formulated. It seems so simple and evident that it does not need much formulation and underpinning. Its thrust is that, confronted with two evils, one must choose the lesser one, or confronted with two good options, one must choose the better one. Faced with the loss of one innocent life or two, one must choose the loss of one life only. Confronted with the choice of building a school for 200 or for 500 students, one must build the one for 500. Of course not only the immediate consequences have to be weighed, but also the indirect and remote ones. If the school for 200 students at the same time pacifies a disgruntled minority, it may after all constitute the greater value which has to be preferred.

The decisive problem is the criterion according to which the various values are weighed. If a member of a totalitarian party is commanded to shoot one of its ideological enemies, may he do so? If the criterion is the continued strength and victory of the party, the answer will be yes.¹⁾ But if the criterion is the fullness of truth and the comprehensive good of all mankind, the answer will be no.

It is evident that the ultimate criterion for judging the good and evil consequences of alternative actions is that value which is considered the highest of all by a person or system. The question of the ultimate value of the moral demand has been discussed and answered in the previous chapter. For Christian theology it is the

¹⁾ The attempted assassination of Pope John Paul II during an audience on St. Peter's Square on May 13, 1981, may well have been the conspiracy of a totalitarian system.

realization of God's glory and salvific reign and the unfolding of his creative plan for this world. What this more concretely implies, has also been explained earlier (cf. pp. 91-94).

But it has also become clear, in the study of the ultimate end, that men only have an approximate knowledge of God's designs and eternal purpose. Therefore the use of this criterion is not just as simple and plain as the application of a metric measure. Although this criterion gives a definite orientation, it also often leaves men searching for the most appropriate answer.

A frequent objection against a purely consequentialist approach to the moral norm is the difficulty, first, of knowing all the proximate and remote consequences of an individual action and, second, of weighing them appropriately. The knowledge of the consequences to a high degree depends on contingent, empirical insights and information. In principle this makes the norms thus gained less certain. Arguments from the nature of beings on the other hand are less subject to such contingencies. True, they also require a certain amount of empirical knowledge; that amount which is necessary for a sufficient understanding of the nature of those beings with which moral laws are dealing. But the knowledge needed is not as vast as that required for a purely consequentialist evaluation.

In the search for the moral norm man accordingly stands in need of all the aids available to him. One of the aids remains the study of the nature of things and their inherent laws and purposes. These laws and purposes however are by no means alien to the ultimate end. Rather men and all beings have been equipped with them precisely in view of that end which they are called to serve and to realize. Since these laws and purposes are endowments for the realization of the ultimate end, their observance will benefit man and creation by an inner necessity and logic. Experience confirms it: in respecting these laws and purposes, man usually fares well.

d) *Complementary character of the two forms of argumentation.* Also traditional moral theology admits that there is only one supreme and highest norm of morality, just as there is only one ultimate goal of man. This supreme norm is the whole-hearted love of God and neighbour. The ultimate criterion for the moral value of an action is whether it contributes to God's creative and salvific plan or not; whether it promotes the human community in accordance with God's calling or not.

As the supreme norm, this criterion has absolute character. It does not admit of exceptions. Are there, besides it, still other

norms of absolute character? This is possible, but on condition that they derive their validity from the supreme, ultimate norm of morality. Prohibitions of actions which always contradict the love of God and neighbour possess, in a derived and secondary way, absolute character themselves. This is true, for example, of the absolute prohibition of the seduction of others to sin.

On the other hand, it is not possible to establish norms with absolute character which do not derive their existence from the above mentioned, absolute norm, but from other sources. They are not in a condition to legitimate their claim of absolute authority; insolvable tensions and collisions must be the consequence. On account of their different origin a complete harmony and accord of the norms is not guaranteed. Man finds himself exposed to diverse norms of absolute character, which in instances of conflict cannot all be satisfied at the same time. Since all claim absolute authority, none can be sacrificed, which however is required because of the conflict.

For example, those who regard the prohibition of lying as an absolute obligation (as Kant and many Catholic theologians do), cannot permit a lie even in defence of the lives of innocents, persecuted by a hostile government, be they Jews, deformed children destined for euthanasia or involved Christians. But would fraternal love not demand the defence of the innocent? The person who subscribes to the absolute prohibition of lying is confronted by the insolvable dilemma between a moral principle of deontological nature and the precept of fraternal love. — These considerations pertain to the problem of the moral absolutes. The issue will be discussed once again in the context of the principle of the double effect.

The result of the preceding deliberations is that norms with absolute character are possible, and in this there is agreement with tradition. But they are possible only on teleological grounds, and in this there is agreement with the recent theologians. Although several of them admit of one absolute only, the supreme criterion or norm of morality namely, others agree that apart from it also other absolutes are possible, if the norms are only formulated carefully enough.¹⁾ But it is asserted that absolutes of this kind may never only describe the object of an act (as the deontologically grounded absolutes of traditional morality did), but must always also include the purpose of the act and therewith a teleological

¹⁾ Cf. R. McCormick, in *Doing Evil to Achieve Good*, 1. c. 44. B. Schüller, "Neuere Beiträge zum Thema 'Begründung sittlicher Normen'", in *Theologische Berichte IV*, ed. by J. Pfammatter and F. Furger (Einsiedeln: Benziger, 1974), 115. J. Fuchs, in *Sittliche Normen*, 1. c. 80;83. Franz Scholz, *Wege, Umwege und Auswege der Moraltheologie* (München: Don Bosco Verlag, 1976), 157.

element. Such absolutes are, e.g., "It is wrong to abort a foetus to avoid social embarrassment." "It is wrong to beat a child for reasons of sadistic pleasure." "It is wrong to sentence an innocent person to profit from a bribe."¹⁾

Nevertheless at times it also seems possible to formulate absolutes which only express the object of an act without any further purpose, as long as it can be shown that such acts always contradict man's ultimate end and the love of God and neighbour, e.g. blasphemy, denial of faith,²⁾ breach of the confessional secret, or seduction of others to sin.

All these considerations argue in favour of a teleological position. However there are also important factors of deontological nature, and entirely indispensable ones, which have to be taken into account.³⁾ As has been shown earlier, the study of the nature of beings provides essential information as to their most efficient use and as to man's inherent needs and rights.

Affirmation of these deontological factors as essential for moral deliberation on the one hand and endorsement of man's ultimate end as the supreme criterion of morality on the other would make it meaningful to speak of a position of moderate teleology, a term preferred by McCormick, although not used by him in entirely the same sense as the one defined here.⁴⁾

But the position outlined is also well characterised by the term Thomistic-Christian teleology.⁵⁾ In order to justify this terminology, however, a slight modification or at least a further specification of the usual definition of teleological theories is required. These theories should not be understood as systems which determine the morality of an action so exclusively by consequences that no room at all is left for deontological considerations. Such

¹⁾ Cf. Lisa S. Cahill *Theological Studies* 42 (1981), 612; 617.

²⁾ Rudolf Ginters holds that the inescapable profession of one's faith is an exception where consequentialist considerations are not allowed. It binds independently of any evil consequences (*Die Ausdruckshandlung*. Düsseldorf: Patmos, 1976, 32).

³⁾ Correctly Franz Furger calls attention to the fact that the supreme criterion of morality, the ultimate end, is itself not established teleologically but by deontological affirmation and reasoning ("Objektivität und Verbindlichkeit sittlicher Urteile. Eine Problemskizze", in *Sittliche Normen*, I. c. 29).

⁴⁾ *Readings in Moral Theology No. 1*, I. c. 318.

⁵⁾ The terms Thomistic and Christian teleology are used by Lisa S. Cahill, I. c. 605 and 629.

considerations remain essential and indispensable.¹⁾ But the last decision whether deontologically established rules are to be followed, as favoured by presumption, or whether in exceptional cases they should be overridden, is made solely by the criterion of the ultimate end. No doubt, only in this sense a Thomistic-Christian teleology is conceivable. This presupposed, the term describes the proposition here under discussion best.

In summary, then, the judgement on the morality of an action is not possible without a careful study of the nature of beings, i.e. without due consideration of the deontological factors involved. Much less is it possible without proper regard for the demands of the ultimate end, i.e. without due consideration of the teleological criterion of the moral law. Accordingly the deontological and teleological argumentation stand in need of each other. They are not mutually exclusive, but rather of a complementary character.

IV. Law and situation

Experience and observation show that man and nature are ruled by many laws of universal character. Yet although the existence of such laws is beyond question insofar as the natural laws of physics, chemistry or biology are concerned, their existence is sometimes challenged in the case of those laws which are concerned with human conduct: the moral law. Nominalism was such a challenge in the past. Situation ethics, often also called the new morality, is a similar challenge today. The individual uniqueness of every person and every situation is emphasized so much that general laws with binding force for all human beings no longer seem possible.

Within the Catholic Church, a first official statement is found as early as 1952 in a radio message of Pius XII, in which he cautions against the "new morality".²⁾ Still in the same year, he discusses the issue more in detail in an allocution to young women. In it he refers to the "new morality" also as ethical existentialism, ethical actualism and situation ethics. He sees the roots of this ethics in existen-

¹⁾ It merits assent, if Cardinal Ratzinger comments on the question: "Proportionality, then, is not a *bad* thing to consider, but neither is it the *only* thing we must consider if we are sincere in our efforts to discern the goodness or badness of our actions. The problem with *Proportionalism* as a moral theological method seems to me to lie principally in its exclusivity. We must ask whether this is the *only* helpful tool at our disposal to arrive at a moral judgment" ("Epilogue", in *Moral Theology Today: Certitudes and Doubts*, essays by various authors, Saint Louis, Mo.: The Pope John Center, 1984, 343, now distributed by Franciscan Herald Press).

²⁾ Radio message on the Christian conscience, AAS 44 (1952), 273f.

tialism and rejects it as incompatible with the faith of the Church.¹⁾ In 1956 an instruction of the Holy Office forbids the doctrine of situation ethics to be taught in Catholic institutions, because it contradicts the truth and wanders far from the Catholic doctrine handed down through the centuries.²⁾

Yet the discussions about situation ethics reached their climax only some fifteen to twenty years later, sparked by the more popular writings of the Anglican bishop John A. E. Robinson and the Episcopalian theologian Joseph Fletcher. Today the new morality still makes its influence felt. To a large extent the controversy among Catholic moral theologians about the "absolutes" in moral theology (which has been dealt with above) can be considered an outcome of this discussion. The concerns of situation ethics therefore still remain relevant and merit some closer attention.

1. *Challenge by existentialism and situation ethics.*

Existentialism, by nature of its philosophical system, leads in the field of morality to situation ethics because of the great emphasis it gives to the concrete, unique situation in the growth and realization of the human personality. Man has to mold his being in free creativity and thus bring himself into the authentic existence of a self-reliant, original person. This creative realization of his true self is incompatible with any kind of universally binding norms, since they hamper genuine authenticity. In its extreme form, existentialist ethics condemns all restrictions by moral authority and law from outside. This is the position of Sartre. To exist means for the existentialist to be free. And "for Sartre freedom implies absolute independence of any ulterior norm. Universal norms or laws can only inhibit the creativity which is the very essence of freedom."³⁾ Other existentialists allow for some common guidelines in moral matters. But "all existentialist moralists reject objective rules as absolutely valid, because the creative subjectivity itself in which all free action originates determines what is good and what is evil."⁴⁾

1) Allocution to young women, AAS 44 (1952), 413-419

2) Instruction of the Holy Office on situation ethics, DS 3918-3921. A good summary of the teachings of the Holy See on situation ethics can be found in John C. Ford and Gerald Kelly, *Contemporary Moral Theology*, vol. I (Westminster: Newman Press, 1958), 104-123.

3) Louis Dupré, "The Existentialist Connections of Situation Ethics", in *The Future of Ethics and Moral Theology*, ed. by R. McCormick et alii (Chicago: Argus Communications, 1968), 109

4) Ib. 111.

Within Christian theology, several Protestant theologians have been of great importance for the development of situation ethics. Some of them, such as Karl Barth, D. Bonhoeffer and Paul Lehmann, strongly emphasize the sovereign freedom of God, who is not and cannot be bound by laws of any moral code. God's ways are always new, and his call is always unique. This theological foundation of situationist morality has been termed "theological contextualism". R. Bultmann's ethics of "radical obedience" is the most thorough implementation of this approach with little or no room for general norms.¹⁾

Others maintain that there is no other moral precept given to man than the precept of love. The ultimate criterion of conduct is not any kind of ethical code, but selfless love in the moment of decision. This love has to be realized in a radical, personal responsibility. Its decisions can never be prefabricated by fixed moral norms, but must always be formulated afresh in the concrete, unique situation. Rules of general, universal character obstruct such love and must therefore be rejected; thus especially Robinson²⁾ and Fletcher.³⁾ This kind of situation ethics, which could be called "agapist situationism", is the most recent mode and the one which obtained the greatest popularity.

These theologians, it must be admitted, do not usually have the intention of denying all the objective validity of moral laws. Although they may sometimes use formulations which suggest such a radical denial, they often mitigate this radicalism considerably in other and later pronouncements, as can be noticed in the writings of Barth and Robinson for example. The contention is then not so much that moral laws have no validity at all, but rather that they all can suffer exceptions, whether they concern suicide, abortion, premarital relations, adultery, destruction of innocent life, etc. Even Fletcher seems to have modified his original radicalism, where he accorded to moral rules only the role of illuminative maxims with no strictly binding force, to a more moderate position. The moral rule is seen as always relevant in any situation to which it is applicable. Especially the more important principles can never be simply set aside. They may be overridden, true, but

¹⁾ Cf. Thomas C. Oden, *Radical Obedience: The Ethics of Rudolf Bultmann* (Philadelphia: Westminster Press, 1964).

²⁾ John A. T. Robinson *Honest to God* (London: SCM Press, 1963); idem, *Christian Morals Today* (London: SCM Press, 1966).

³⁾ Joseph Fletcher, *Situation Ethics. The New Morality* (Philadelphia: Westminster Press, 1966); idem, *Moral Responsibility. Situation Ethics at Work* (Philadelphia: Westminster Press, 1967).

only for serious reasons.¹⁾ On the basis of these more moderate utterances there is naturally more hope for a fruitful discussion of the issue and a mutual approach of the diverging positions.

2. *Critique of the new morality*

All types of situation ethics rely heavily on illuminations from man's inmost being, which are supposed to give him the necessary moral guidance and the knowledge of his moral obligations. For to the extent that the general validity of external, moral laws is questioned, to that extent ethics must fall back on subjective, personal inspirations for a man's moral decisions. Secular experience, however, proves that this strong expectation of regular spiritual intimations lacks a basis and is self-deception. Man simply does not find in himself such a clear, unequivocal guidance. Where men ignore the norms which have been formulated by the sciences of ethics and theology, there they easily fall prey to many errors and to their egoistic inclinations. Industrialists, e.g., will easily argue that competition demands low wages, work on Sundays and employment of children for the very good of the workers, who will otherwise lose their jobs. Not without reason are states compelled to lay down common laws, by which at least the worst excrescences of human egotism are checked and doubtful questions solved. "Law is often the poor man's only protection."²⁾ Inner illuminations are by far not sufficient to give order to human life. Even strong subjective convictions can be completely wrong and are no guarantee of a supposed inner illumination.

Situationists also wrongly think that they help people in their moral problems if they break up the moral rules and set them free to act according to their own discretion. In the end, they leave them alone without helpful, concrete answers. People hope for more from a moral counsellor than the advice to act according to Christian love, to take courage for a creative decision, or to choose responsibly among the various possibilities which open themselves, with some noncommittal paradigms, maybe, still added to the

1) Cf. Gene H. Outka, "The New Morality: Recent Discussion Within Protestantism", in *The Future of Ethics and Moral Theology*, ed. by McCormick et alii (Chicago: Argus Communications, 1968), 70f. The author remarks that to the extent in which Fletcher moves towards this more moderate view of the "combinationists", "to that same extent he must abandon the posture of radicality and newness which he continually assumes when describing situation ethics" (ib. 71). To that same extent — one may further add — his ethics becomes also more realistic and serviceable.

2) Gerald Kennedy, "The Nature of Heresy", in *Storm over Ethics*, ed. by John C. Bennett et alii (Philadelphia: United Church Press, 1967), 134; cf. also 138.

admonition. "The situationists say that the liberty they propose would free men from many frustrations, would solve many otherwise insoluble moral conflicts. In this they show a woeful lack of knowledge of human nature. Man left to himself, without clear norms for his actions, is much more apt to experience frustration and much less likely to solve difficult problems with a sense of security than if he had such norms, even though the norms might at times require great sacrifice."¹⁾ There are likenesses among circumstances. The sexual problems of adolescent youths, e.g., are common to thousands of persons, and they permit of common rules to guide them.

Another most telling objection against situationism in general is its ethical individualism, which in principle makes little of supra-personal norms. Paul Ramsey correctly remarks that "no social morality ever was founded, or ever will be founded, upon a situational ethic."²⁾ Yet many of the moral issues of today precisely are of social nature. Situation ethics has been unable to contribute much to their solution. That is why it "has been pitifully irrelevant to the major ethical problems of our time."³⁾

Besides this general criticism, some further observations are to be made concerning the different types of situation ethics and their arguments individually.

a) Situation ethics of the existentialist stamp proceeds from the presupposition that the ultimate goal of human activity is the realization of man's real self. Before anything else, Christian ethics must question this presupposition, since the ultimate goal of biblical, Christian morality is the glory of God and the realization of his kingdom. Nevertheless Christian ethics, too, is aware that man's task to develop himself and the world is a creative one. But is creative activity truly incompatible with general laws and even absolute norms? Or is not rather the contrary true? Creative activity is not thinkable without respect for its own, basic laws, which result from the goal it wants to achieve, and without regard for the laws of the material with which it has to work. Indeed, creative activity is as little without laws and absolute norms as is artistic

¹⁾ John C. Ford and Gerald Kelly, *Contemporary Moral Theology*, vol. I (Westminster: Newman Press, 1958), 138.

²⁾ Paul Ramsey, *Deeds and Rules in Christian Ethics* (New York: Scribner, 1967), 20.

³⁾ *Ib.* 13.

activity that wants to remain art and desires to be efficient.¹⁾

b) Theological contextualism objects to generic and absolute norms with the assertion that they deprive God of the possibility of laying free and unlimited claim to the individual at every moment. Yet the Creator cannot deny his own essence, and neither can he deny the image of his essence in man. It is no limitation of God's freedom to take it for granted that he does not contradict those internal laws of man and nature which he himself has willed and through which he is reaching out to the realization of his eternal goals. God's freedom is not limited by laws which he himself wills and creates. God is absolutely free to create a world according to the laws which please him. But once he has decided to build a world on certain laws, such as the laws of gravity and of centrifugal force, these laws remain invariably in force. God can make exceptions from these laws by way of miracles, as he did when Christ walked on the waters. But apart from such exceptions, God wills that these laws remain universally effective, since he wants this world to persist. And man has to respect them and to reckon with them. He cannot drive at 100 kmph on a hairpin bend, or he will kill himself and those who ride with him. This law knows no exception. And since no man is allowed to kill himself and others by reckless driving (for this would mean to destroy God's creation), he is also morally not allowed to drive at that speed on the bend.

Again, although it is true that every situation is unique because of many individual circumstances of time, space, persons, etc., it is likewise true that still more elements in the situation are enduring, steady, of a common nature. "Beneath all changes there are many realities which do not change" (GS 10). These generic conditions and persisting realities are the valid basis for generic laws. God's call in the concrete situation is therefore not unilaterally determined by unique divine orders. God's will manifests itself to man equally and even more so in generic divine laws always operative in every situation.

c) Agapist situationism gives absolute priority to love, and it is right in doing so, provided love is correctly understood. But it does so at the expense of the content of love. It ignores the fact that, departing from the most general principles, sciences can and must come to more detailed applications, which are equally certain.

1) "On the basis of indetermined freedom alone, no ethical system is possible. This is confirmed by the fact that Sartre never wrote the ethical theory which he promised at the end of *Being and Nothingness*. A morality without content can tell me only to assume my full responsibility of being free; it cannot tell me in what this responsibility consists" (L. Dupré, l. c. 110).

Thus there are actions which are always or at least ordinarily against love, and they are always or ordinarily forbidden; and there are other actions which are in agreement with love, and they are always commended or commanded. This is confirmed by the New Testament, whose teaching on the great commandment Fletcher likes to invoke in support of his love ethics. But he does so in an isolated way. It has correctly been observed that for the rest "Christ is strikingly absent in Fletcher's work".¹⁾ Doubtless it is true that Jesus and Paul give priority to love. Yet at the same time they insist on the content of love, showing that love of neighbour includes the decalogue as well. Love is the fulfilment of the law, but it does not abrogate it.²⁾

The new moralists likewise make it their special concern to defend the rights of the person against the impersonal claims of abstract principles. A dichotomy is construed "between the claim of rules and the needs of neighbour, a dichotomy which once it is posed quite naturally elicits the judgement that neighbour-claims are prior".³⁾ But this antinomy results from a very rudimentary mistake of analysis. "Sound moral principles have no other purpose than to ensure proper regard for persons, and unsound principles are unsound precisely because they fail to do this. Murder, rape, incest, arson, perjury and so on are wrong because, in the world as God has created it, they are indefeasibly damaging to persons; they are wrong in principle, as a matter of Natural Law and of divine law. Persons are safe only when they are protected by other people's recognition of such principles as these."⁴⁾

Agapist situationism finally too naively assumes that everyone knows how to love, what true love is, what the demands of love are, and that everyone is a perfectly mature person. It underrates the limitations of human insight and the realities of sin and egocentricity. In one sense everyone always acts out of love. The difference between a moral and immoral disposition does not result from this, whether one loves or not, but it results from what one loves. When

1) B Häring *Free and Faithful in Christ*, vol. I (Middlegreen, Slough: St. Paul Publications, 1978), 358.

2) "That the directives of the New Testament only serve to point out the right intention or even to doom man to failure are modern hypotheses which mostly only have the function of theological alibis and repressions" (Wolfgang Schrage, *Ethik des Neuen Testaments*. Göttingen: Vandenhoeck und Ruprecht, 1982, 12; likewise 18f).

3) *The Situation Ethics Debate*, ed. by Harvey Fox (Philadelphia: Westminster Press, 1968), 108.

4) E. W. Trueman Dicken, *Loving on Principle* (London: Darton, Longman and Todd, 1969), 107. Pp. 40-45 offer a very good analysis of the moral principles which Fletcher himself implicitly uses in the solution of case studies, principles which surely do not impress more than the traditional ones.

we look into our hearts, we find not one love but many. A man loves his country, his children and also his own life, and so does a woman. In a conflict between the various loves, which one should prevail? How does one determine what the truly loving thing is? "To say 'Follow love' is not an ethics at all but a refusal to take ethical problems seriously."¹⁾

3. *Justified concerns of the new morality*

In studying the literature on situation ethics, it surprises one to note how widely scholars of ethics and moral theology agree in their critique of the new morality and in their conviction that it does not provide a sufficient basis for the moral life. But it is equally surprising how great a popularity the new morality has enjoyed, at least for a while. Situation ethics could hardly have had such an appeal if it were without any valid concerns at all. Indeed, it contains some valuable criticisms of traditional moral teaching. They seem to be the following.

First, it is wrongly held that moral handbooks present the sum total of moral obligations and that Christians who just fulfil these rules correctly have already done their full duty. Handbooks can only provide a frame of obligations derived from the common nature of man insofar as this nature is more or less the same in all human beings. But the handbooks can never define those moral obligations which derive from the concrete uniqueness of each person. That means that there are addressed to the individual person more moral claims than merely those written down in the books. Theologians like Rahner,²⁾ Fuchs,³⁾ and von Hildebrand⁴⁾ call this to mind for Catholics today. Furthermore, as cultures and civilizations develop, people are time and again confronted with problems for which the manuals of ethics do not always provide answers. This cannot mean that in such cases people are absolved from any moral obligations. Rather they have to find the answers

1) Germain Grisez and Russell Shaw, *Beyond the New Morality* (Notre Dame/London: University of Notre Dame Press, 1974), 104. R. A. McCormick comes to the same conclusion: "Obviously Fletcher has not made up his mind on how moral judgements are made" (*The Situation Ethics Debate*, I. c. 143).

2) Karl Rahner, "On the Question of a Formal Existential Ethics, in *Theological Investigations*, vol. II (Baltimore: Helicon Press, 1963), 217-234.

3) Josef Fuchs, *Natural Law. A Theological Investigation* (Dublin: Gill and Son, 1965), 123-243.

4) Dietrich and Alice von Hildebrand, *Morality and Situation Ethics* (Chicago: Franciscan Herald Press, 1966).

on their own authority in personal responsibility before God (cf. GS 43).

Second, situation ethics is an outspoken reaction against a too formal and too juridical interpretation of morality, that easily leads to a blind following of the letter of the law rather than its spirit. One must keep in mind that the norms and laws formulated by men to govern moral behaviour are subject to imperfections similar to those put down in the codes of civil laws. They are valid for the average situation, but sometimes are not and cannot be subtle enough to apply also to borderline cases. Catholic moral theology was never completely unaware of this difficulty and therefore developed the doctrine of *epikeia*. Today it finds a greater emphasis than in the past.¹⁾ To the instances of *epikeia* those exemptions from the law can also be reckoned which are made on the strength of a special command of God, as e.g. in the cases of Abraham (Gen 22:1-14) and Hosea (Hos 1:2f;3:1-5). God can make exceptions from moral laws as he does from physical laws. Such exceptions, however, are most rare and have the burden of the proof.

Third, morality definitely has a situational element. Moral principles may not be applied mechanically to situations which are similar and yet not entirely equal. Situations have to be studied carefully before moral conclusions are drawn. It is necessary to gather relevant data, recognize facts and do empirical research before making a moral decision. Different circumstances may require different answers. Any parent who has brought up two children knows that the accomplishment of the same goal often requires some modification in approach because of differences in personality. "A sensitivity is therefore demanded for each particular situation, which makes the finding of the moral norm more laborious than one is generally ready to admit."²⁾

Fourth, moral behaviour should not be motivated so much by submissive legalism as by inner love directed towards the realization of true human and religious values. God claims the whole man and not only particular acts. An act, be it as good as it possibly can be, which is not somehow sustained by love, at least in the unreflexive conscience, lacks that vital completion through loving surrender without which man has no true relationship with God (cf. 1

¹⁾ See "Indispensability of natural law, pp. 148-150.

²⁾ Johannes B. Lotz, "Philosophische Bemerkungen zum Finden und Gelten sittlicher Normen", in *Christlich glauben und handeln*, ed. by Klaus Demmer and Bruno Schüller (Düsseldorf: Patmos, 1977), 161.

Cor 13).¹⁾ Certainly, this love admits of degrees, and its perfection is an ideal, which often enough will not be reached. But this should never hinder the Church from preaching it or deter Christians from striving after this goal.

Thus, also in Catholic moral teaching, personal responsibility in tracing one's peculiar moral obligation and in applying the moral norms meaningfully to the concrete situation is insisted upon more emphatically than formerly.

D. Human law

The treatise on human law deals with the juridical order of society, be it the state or be it the Church (or similar religious bodies), insofar as this order is determined by laws which are enacted for the common good. It is not necessary that this law be a written code. It may consist of unwritten, legal traditions and customs, especially in primitive societies. Nevertheless the laws of practically all civil communities of today are written codes, as is the law of the Church.

I. Notion and necessity of human law

1. Concept and properties of human law

a) The time-honoured *definition* of law by Thomas Aquinas is: law is an ordinance of reason for the common good, promulgated by him who has the care of the community.²⁾

Law is an ordinance, i.e. it induces an obligation and is not merely a council. — It is an ordinance of reason, because it must be based on the insights of reason into what is good for the community. The mere will of a lawgiver is not sufficient reason for a valid law, nor are emotion and sentiments. — Laws can only be

¹⁾ The importance of love for moral goodness is well illustrated by the following example presented by Bruno Schüller: Suppose a physician motivated only by purely selfish ambition develops a new therapeutic device which he foresees to be really beneficial to a countless number of suffering people. The physician's achievement, evaluated by its consequences, is certainly in accordance with the requirements of the commandment of love. However the physician does not act from love for his neighbour. He acts from pure selfishness. Although therefore his action is externally good and right, it is morally bad. The Pauline concept of work-righteousness presupposes this same distinction. ("The Double Effect in Catholic Thought: a Reevaluation", in *Doing Evil to Achieve Good*, ed. by R. A. McCormick and Paul Ramsey. Chicago: Loyola Univ. Press, 1978, 183).

²⁾ S. Th. I-II, q. 90, a. 4.

enacted for the common good and not for the private good of a few citizens. Even if a law concerns solely a smaller group of citizens, e.g. lawyers or teachers, the purpose of the law must in the last analysis be the good of the whole community. — Promulgation is the official publication of a law so that it can come to the knowledge of the subjects. Promulgation is necessary in order that a law becomes obligatory. — Laws can only be enacted by those who have the care of the community, i.e. by those who are in charge of it as the legitimate authority.

The above definition defines law in a wide sense insofar as ordinances also include temporary injunctions and individual orders, while law in the strict sense is a directive of obligatory, general and stable character. The definition also includes statutes and precepts of less communities, such as religious communities or even the family, since it refers to ordinances of anybody who is in charge of a community. However laws in the strict sense are those enacted by sovereign societies. Scholastic theology calls them “perfect” societies, because they are not in need of still other, higher societies to secure their goals and in this sense are self-sufficient. Such societies are the state and the Church, the one in charge of man’s temporal welfare, the other of his spiritual good. Finally it may not be necessary to define law as an ordinance *of reason* in order to preclude emotion or human caprice as sources of human laws, since this is sufficiently done by the determination that laws must be enacted for the common good.

Keeping these considerations in mind as well as the wordings chosen for the definition of moral law at the beginning of this chapter, an alternative definition of human law might be: a directive of obligatory, general and stable character for the common good promulgated by him who is in charge of a sovereign (or “perfect”) society.

Precepts, statutes, orders differ from laws insofar as they are limited to smaller groups, often to individuals only, or if imposed upon a public community, are merely temporary injunctions. Furthermore private authorities (parents, religious superiors, etc.) can also enjoin them. Under the moral aspect however there is hardly any difference between this group of ordinances and human laws.¹⁾

b) *The properties of human law* serve to clarify its concept still further. A first essential property of human law is that it can be

¹⁾ Cf. J. Fuchs, *Theologia Moralis Generalis, Pars I* (Rome: Università Gregoriana, 1960), 111; also Enrico Chiavacci, *Teologia morale I* (Assisi: Cittadella, 1979), 193f.

enforced. Second, human law is limited to external conduct only. Three further properties are formulated parallel and in contradistinction to the three properties of natural law.

(1) Human law is *enforceable*. The reason is that coercion is necessary to compel also those members of society to obedience who tend to be lawless.¹⁾ Without the coercive power of the law, the law-abiding subjects would be placed at a serious disadvantage, exposed to exploitation by those who are lawless, and ultimately impelled to abandon the law themselves. This must result in the collapse of the legal order. Obviously this would contradict its necessity. Yet for the sake of an equitable administration of justice, the exercise of coercive power is not a matter for the individual, but for the public authority alone, exceptions apart.

(2) Human law is *concerned with external conduct* only. The inner disposition, which is essential for moral conduct, is outside the scope of human laws. "Social order, which is the purpose of law, is guaranteed when the external conduct of the members of society is in harmony with the legal rules. Social order does not depend upon whether the motive of this conduct is consideration for others or fear of punishment."²⁾ Doubtless the proper motivation of subjects in their compliance with the law remains of great interest for the legislator as well. "The common good is certainly more perfectly realized when society is ruled more by love of justice than by fear of the police."³⁾ Legislators therefore can only welcome the efforts of those who strengthen the moral will of the subjects. But apart from the fact that human authorities are not able to judge internal dispositions, external compliance with the law suffices to secure the social order and the common good.

(3) Human law is *limited to particular groups* of people, in contradistinction to natural law, which is universal. Human laws oblige only those who are members of the community for which the laws are enacted. They are binding only upon the subjects of a particular state or religious body like the Church.

(4) Human law is *historically conditioned*, much more so than natural law. As societies and their civilizations change, human laws inevitably change with them. Beside evolution, also social factors

1) Cf. Thomas Aquinas, S. Th. I-II, q. 95, a. 1; q. 96, a. 5.

2) Johannes Messner, *Social Ethics* (St. Louis and London: Herder Book Co., 1965), 165.

3) *Ib.* 165.

are a weighty reason for the contingent character of human laws. "In most cases the positive law enacted after the period of customary law, was effected by politically dominant groups to a greater or lesser extent in their own interest."¹⁾ The actual legal order is seldom, if ever, the outcome of purely legal reasoning. It is likewise the expression of class relationships and compromises between contrary interests. Therefore it never embodies perfect justice. Nevertheless it has binding force for the sake of the common good, as long as it realizes a minimum of justice and order. However those in charge of the community have the obligation to adapt the law ever anew and ever more perfectly to the needs of the changing conditions and the demands of greater justice.

(5) Human law has *presumptive obligatory force*,²⁾ but is open to exceptions and dispensations, in contradistinction to natural law. If the common good is to be secured and realized, subjects cannot be entitled to disobedience whenever they merely doubt the utility or justice of a law. Rather presumption favours the duty to obey the law. On the other hand, if a law is recognized as certainly unjust or detrimental, it does not oblige, at least as a rule. Furthermore in many instances authorities are entitled to grant exceptions or dispensations from the laws, e.g. by pardoning a delinquent. And if *epikeia* is a right of individuals in cases of imperfect formulations of natural law, it is such a right even more so with regard to human laws. Because of the importance of the question of *epikeia*, it shall be dealt with separately below.

2. Attitude of the New Testament to human law

When St. James says: "There is one lawgiver" (Jas 4:12), he does not thereby reject human law as superfluous, but indicates its supreme source. (This idea is most clearly expressed in Prov 8:15; "By me kings reign, and rulers decree what is just.") Moreover, although human laws are directly enacted to guarantee and to promote the common weal, their ultimate purpose is no less the final goal as established in Christ than it is the ultimate purpose of all responsible human activity. Since therefore God is the supreme source and ultimate goal of human law, the dialogical character of morality is also preserved in the obedience towards human laws.

Christ himself in his life and teaching gives us an example of

¹⁾ Ib. 187.

²⁾ Cf. John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980), 359.

obedience to civil law as well as to the cultic precepts of his people. When he was asked about the poll tax (Mk 12:13-17), i.e. whether it was lawful to pay taxes to Caesar, or not, Christ's answer was: "Render to Caesar the things that are Caesar's, and to God the things that are God's." Jesus' unequivocal decision was that the tax should be paid, although such obedience must not conflict with the rights of God. In other words, Jesus recognized the emperor's right to demand obedience from his subjects. The state, even the pagan state, has its importance in its own sphere, which is the common good. But Jesus makes it also clear that the state must lastly remain subordinate to God's will and depends on God's authority. In the same way, Jesus pays the temple tax (Mt 17:24-27). He makes the pilgrimage to the temple at the prescribed liturgical times. He observes the Sabbath, though not according to the barren formalism of the Pharisees. He carries obedience to secular authority to the extreme of unresisting submission to its iniquitous verdict of death.

The early Church adopted the same attitude to the public authorities as Christ did. Although reserved towards the Jewish authorities, and becoming increasingly independent of them, the early Church shows a striking loyalty to the Roman state and its organs. Despite Paul's not always satisfactory experiences with the Roman authorities, there is not a word in his writings against the empire. On the contrary, there is the well known passage in Romans 13:1-7, which binds Christians in conscience to obey the government of the state. "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists which God has appointed." The public authority is God's servant for the common good. "Therefore one must be subject, not only to avoid God's wrath but also for the sake of conscience." Hence the Christian is to give what he owes the state authorities, and that is obedience, payment of taxes and respect. The same exhortations to reverence and obedience to public authorities are found in 1 Peter 2:13-17, where honouring the king is put next to fearing God. "Fear God. Honour the emperor." Finally, similar exhortations are also found in Titus 3:1-2 and 1 Timothy 2:1-3, wherein particular prayer for the authorities is recommended. We are probably dealing with a common topic in early Christian homilies.¹⁾

The religious Jewish authorities were soon replaced by the

¹⁾ Cf. R. Schnackenburg, *The Moral Teaching of the New Testament* (London: Burns and Oates, 1967), 235-244.

religious authority of the new Christian Church. Christ himself had conferred upon the apostles and their successors governing authority over his Church. "He who hears you hears me" (Lk 10:16). "As the Father has sent me, I also send you" (Jn 20:21, cf. Mt. 16:19; 18:18; 28:20). When the Jewish authorities tried to silence the apostles by a strict prohibition to continue their preaching of Christ and his Gospel, the apostles answer with a statement that is the moral basis for all resistance against unjust authority and immoral laws: "We must obey God rather than men" (Acts 5:29; cf. 4:19f). The question of religious authority in the Church is studied in detail by fundamental theology.

3. Necessity of human law according to reason

Stable, social norms are indispensable for peaceable, communal life. They co-ordinate the activities of the many. They "provide the individual with the opportunity to acquire modes of behaviour that as a rule have every chance of success and set him free from his search for the best possible solution. They also make it possible for human relationships to be lasting and set man free from uncertainty with regard to the other's behaviour. In other words, norms and institutions are fundamental legal goods and man is dependent on them."¹ Although natural moral law also lays down man's social obligations, it alone is not sufficient to ensure the order of social life, especially not of the corporate life of bigger societies. This order can only be secured by human laws, and this for the following reasons.

(1) Natural law is frequently not so evident and clear in its particular requirements for everybody. What for example are the demands with regard to the equal rights of all members of a civil community, men and women, white and black alike? Or what are the rights of authors concerning their inventions, writings and compositions? Human laws clarify such uncertainties. They make clear the requirements of natural law, also in its remote conclusions, for everybody.

(2) Human laws are needed to determine the concrete norms of conduct where the natural moral law can be complied with in different ways. Often several possible ways are open to comply with an obligation, but for the sake of public order one must be chosen and imposed as binding for all, e.g. in matters of traffic

¹ Franz Böckle, *Fundamental Moral Theology* (New York: Pueblo Publ. Co., 1980), 205.

laws, prescription or property rights, rulings for public worship, etc. It is not that natural law is totally indefinite concerning these issues. As to the regulation of traffic, e.g., it definitely demands that the safety of the road user be guaranteed. This can be done by right or by left side traffic. The legislator is free to choose one of the two alternatives; but his options are limited to one of the two. At other times of course also more options are available, but they are always limited. Within the frame demarcated by natural law, the choices of the social ordering power are very much a question of expediency, governed by the preferences of a society for certain values. But a decision is necessary to make a final choice, and this provision is made by means of human laws.

(3) Human law is finally necessary to enforce obedience to those demands of the moral order which are of greater moment for the common weal. The sanctions attached to human laws are an indispensable means of education for men in their frailty and a shield against human malice. Were there no legal restraints checking the abuse of freedom and the violence on the part of evil men, the good would be robbed of their liberty to act virtuously and public order would cease to exist.

II. Object and substantive justice of the law

a) *The object of human legislation in general* is, in harmony with the definition of human law, the common welfare. Human legislation has to safeguard and promote the common weal (1) by defining the rights and duties which the members of a society possess and by securing the realm of freedom needed to comply with the responsibilities founded upon man's existential ends; (2) by protecting the interior peace and order of the society and establishing external security; (3) by creating favourable conditions for social and economic progress and for the cultural, moral and religious life. Since however all earthly goals are subordinated to God's glory and plan of creation, human legislation must never obstruct the attainment of this end, but on the contrary contribute to its realization. It must be kept in mind that outside God's kingdom and its justice there is no salvation for men and therefore also no common welfare in a true sense.

This implies that the will of the lawgiver is not the exclusive nor even the primary basis of the legal order. The common good consists in the realization of objective, individual and social ends which are binding for the lawgiver in the enactment of legal norms. "Enacted law is true law insofar as it conforms with the pattern of

ends indicated in the essential reality of human nature and with the responsibilities based on this pattern.”¹⁾ This reality also includes man’s existential destiny to strive after his ultimate end.

Every right implies a legal object over which a person is empowered to exercise control. Legal objects can be things or services rendered by persons. “Things” can be material things like machines or immaterial things like an invention. A human person can never justly become a legal object after the fashion of a thing, like the slave in ancient law. Only a person’s services can rightfully become a legal object.

b) Several *conditions to be fulfilled by a law* are singled out in order that a law be binding upon its subjects. Tradition usually lists four conditions: The object of the law must be morally permitted, and it must be just, possible and useful.

However the conditions are not adequately distinct. The second condition is more comprehensive than the others and includes all of them. If a law is just, nothing more is to be desired of it. On the other hand, a law whose object is impossible or morally not permitted is also unjust. Furthermore traditional manuals usually combine several heterogeneous demands in the second condition, e.g. that laws must keep within the bounds of jurisdiction, distribute burdens in proportionate equality, and not be retroactive.

The matter gains greater clarity by a distinction introduced by legal scholars in this regard. Substantive justice or morality of the law is distinguished from procedural justice.²⁾ The question about the object of human legislation concerns substantive justice of the law. Here pertain the demands that laws must keep within the bounds of jurisdiction and distribute burdens in proportionate equality. While the demand that laws must not be retroactive pertains to procedural justice of the law. The latter shall be dealt with separately at a later occasion.

Keeping this distinction in mind, the following conditions can be listed which must be fulfilled by a just law.

(1) The law can only command what is *morally permitted*, and it can never command what is sinful. For all legitimate authority is in the last resort derived from God and is not allowed therefore to contradict his will by sinful legislation.

Accordingly a law can only command acts that are good or at

¹⁾ J. Messner, l. c. 191f.

²⁾ Cf. Lon L. Fuller, *The Morality of Law* (New York: Fawcett Publ., 1964), 110; and John Finnis, l. c. 261.

least indifferent. It cannot order acts which are in principle evil, e.g. euthanasia of the incurably sick and disabled. Rather it is expected to forbid them. But for sufficient reasons a law may tolerate certain evils in society, e.g. false religious beliefs, superstitions, parties with totalitarian ideology, prostitution, and the like.

(2) The law must keep *within the bounds of jurisdiction* of the legislator; it may not exceed his competence. The legislator's competence is delimited by the nature of the society entrusted to his care and its particular common good. Thus state authority has no right to enact liturgical laws or to appoint bishops.

(3) The law must *respect the demands of distributive justice*. It must distribute burdens and privileges equally and according to the capacities of the subjects. A standard of proportionate equality must be observed. This is particularly true for the laws of taxation.

(4) The law must *not restrict rights without a real need* on the part of the common welfare. For example the state is not permitted to curtail exceedingly the right to private property, to prohibit the erection of private schools, or to restrain unduly the freedom of movement. Exceptionally however it can forbid indifferent or even good acts if in the circumstances they prove dangerous for the common welfare, e.g. public gatherings, even in churches, in a time of contagious plague.

(5) The law must be *physically and morally possible*. A law is physically impossible if it commands actions that are completely beyond the forces and means of a person. A lunatic man cannot be required to vote, and a dumb person cannot be obliged to sing the national anthem. The law is morally impossible if it commands what can only be done with great difficulty. Thus laws could not forbid all excursions by private car except on Sundays; or order people summoned to court to report within half a day. (The latter instance illustrates that no hard line can be drawn between extreme difficulty and plain impossibility). Such laws could not be kept by the greater part of the community. They would therefore create unrest and agitation and thus be to the detriment of the common welfare instead of to its furtherance.

If however only a part of the law is impossible, then the possible part must be fulfilled, in case the purpose of the law can be achieved by this compliance. For example a tax law demanding too high taxes must nevertheless be fulfilled to the extent in which taxes are reasonable.

It follows from the above condition that a law cannot

normally order heroic acts, since this would mean to demand what is morally impossible under ordinary circumstances. It could not command 14 hours work a day and only 6 hours sleep. Yet in exceptional circumstances human law would be allowed to demand heroic acts, namely if this is necessary for the defence of the common weal, especially military service in a just war, or for the witness of faith in times of persecution. Human law can also demand heroic acts from those who freely enter a state of life in which such acts are imposed, e.g. in religious orders.

(6) The law must be *useful and of benefit* for the common good. A law loses its force as soon as it becomes useless or even injurious to the community. Such would be the case if a law were to forbid all public dances or order helmets for all people on the roads to avoid accidents. Even laws which enforce moral duties, but minor ones, such as the obligation not to lie, pertain to this category. Although the observance of the whole moral law contributes in some way to the public welfare, it would overburden public justice and be detrimental to the common weal to urge all moral demands by public human authority. Hence human law should only order what is of more decisive concern for public order and social life. The fact however that a law does not prescribe the best means for the achievement of some task in the community, although it fulfils its purpose nevertheless, does not invalidate the law.

c) A special question concerns *internal acts as objects of human legislation*. Can human authority command internal acts? Purely internal acts, i.e. acts which are performed within the intellect and will, are not subject to the jurisdiction of social authority, since its only concern is the safeguard and promotion of the social order, which is external. This is certainly true of the civil authority, yet, according to the more common opinion of theologians today, also of the authority of the Church to govern the ecclesiastical society. As a matter of fact, the Church as lawmaker does not command purely internal acts. She is concerned with moral obligations regarding such acts only insofar as she interprets and clarifies the divine law, e.g. when she declares that in certain conditions God's law demands acts of faith, hope, contrition, etc.

Mixed acts however, i.e. external acts which require for their completeness and validity an internal act, can be commanded by the Church as well as by the state, e.g. the internal consent in the conclusion of contracts; the intention to swear in an oath; the application of certain Masses by priests according to the intentions

prescribed by the Church. The obvious reason for this right is that otherwise public order and the common welfare could not sufficiently be cared for.

d) *Unjust laws* in principle do not oblige, i.e. laws which do not fulfil the six conditions listed above. However subjects are often allowed to renounce their rights and to obey the unjust law nevertheless, as long as it does not demand something which is morally evil. Sometimes this can even be necessary for the sake of the common weal. Thus, although a law which forbids all public, religious processions is unjust, it may be lawful and even necessary to obey it in order to avoid still greater harm to the Church and the faithful.

If the rights of a third person are infringed by compliance with an unjust law, then fulfilment is only permitted under the condition that the third person could not reasonably object against such a procedure. Thus Pius XII does not blame a judge who fined an innocent priest or lay person according to an unjust law, but did so only that he might be able to continue his service as a judge for the greater benefit of the population.¹⁾

In case a doubt arises whether all the conditions necessary for a just and valid law are fulfilled, the law has legal force and obliges. The reason is that human laws have presumptive obligatory force, as has been explained earlier. On the one hand legislators usually have better insight into the reasons necessitating a law. On the other hand the stability of the social order would suffer too much, if it were lawful to disobey the law whenever subjects have doubts about its justice and usefulness.

III. Moral obligation of the law

a) *Nature and basis of the moral obligation.* Just laws bind in conscience by reason of their intrinsic necessity for the common good. The helps of the common good are necessary for man, because by nature he is a social being. He depends on the aid and cooperation of others for his own personal growth as well as for the realization of his calling to serve God's glory and the unfolding of his creative plan. Human law therefore is rooted in the very nature of man and his final end. This is the reason why it has a moral character. Therefore Scripture says: "One must be subject, not only to avoid God's wrath but also for the sake of conscience" (Rom 13:5).

Man's conscience is spontaneously aware of the supreme jural

¹⁾ AAS 41 (1949), 603.

principles such as: render to each one his own; lawful authority must be obeyed; contracts must be honoured; social evildoers must be punished. Connected with these is the realization that it is morally bad to violate the definite rights of others. And if a person does so, i.e. if he deliberately and culpably violates a just law, he is in conscience bound to submit to just punishment. A punishment is just if it measures up to the importance of the law for the common welfare; as far as possible it ought to take into account the degree of personal guilt.

From the fact that human law receives its obligatory force from natural law and ultimately from God's will, it follows that "real law cannot exist in conflict with natural moral law. If an enacted law is incompatible with man's existential ends, it conflicts with the moral nature of law."¹⁾ It has no real juristic foundation and confers no moral duty of obedience.

b) *Gravity of the moral obligation and penal law theory.* There is a widely held theory that many laws, entirely just and rightful in themselves, do not oblige in conscience to comply with the demand of the law but merely to submit to the penalty imposed for violations. This is the theory of the so-called "penal laws".²⁾ The basic reason for this theory is the argumentation that the legislator, who can enact laws with stiffer sanctions, can also take care of the common weal by means which enjoin a less strict moral obligation upon the subjects. And where legislators do not bother or do not pronounce themselves in detail about the obligation in conscience of their laws, theologians are to define the moral obligation according to certain external and internal criteria and to declare which positive human laws are mere penal laws. These criteria are above all the manner in which the law is commonly received by the people and the object of the law.

The advocates of the penal law theory agree that it cannot be applied to ecclesiastical laws. Nor can it be applied to civil laws involving substantial rights of others and areas essentially affecting the common good, e.g. laws concerning just wages or bribery of court officials. Generally regarded as penal laws are local police regulations, hunting and fishing laws, traffic laws, mendicancy, military conscription, certain sanitary regulations, import laws and duties, and above all various forms of taxes. Also ecological

¹⁾ J. Messner, l. c. 162.

²⁾ A monograph on the question of the existence of mere penal laws has been written by D. C. Bayne, *Conscience, Obligation, and the Law* (Chicago: University Press, 1966).

provisions would pertain here. They all have in common that they are not direct conclusions from natural law principles but further determinations of those general demands which leave the legislator free to choose among various possible implementations.

Today however the theory of penal law is ever more abandoned. The general objection to this theory is that the gravity of a law does not depend on the will of the lawgiver, and this for the following reasons.

(1) The legislator has not received his legislative power to be used arbitrarily, but in order to secure the common good, which every member of the community is bound in conscience to safeguard and to promote. When the legislator therefore prescribes something necessary for the common good, all his subjects are bound in conscience, even if he attaches no importance to this aspect. But if he misuses his power and issues arbitrary laws, then he cannot impose in conscience even the obligation of accepting the penalty for infringements.

(2) The legislator's task is to determine by enactment of positive laws more precisely the demands of natural law in the concrete conditions of time and history. The natural law itself requires and justifies the further determination of its general demands by positive human laws. Therefore human laws oblige in the same manner as the natural law does which they determine.

(3) The proper task of the legislator is the care for the common welfare. From there derives his right to create all the laws necessary for the best of the common good. But it is not his task to decree how far his laws shall bind in conscience. The source of moral sanctions is God alone. And to what degree a positive human law shall oblige according to his will, is to be derived from the nature of the law, or to put it differently, is to be derived from its importance for the realization of God's aims. Men can only make out, clarify and explain the moral obligation, which inheres in every just law independently of the human will. — One may also wonder which lawgiver wants his laws not to oblige in conscience but to be mere penal laws.

As a conclusion it must be held that every just law directly binds in conscience. The objection that this doctrine must in many instances result in an overstrain of the subjects is not valid, since the cases of overstrain and moral impossibility can be solved by *epikeia*. Therefore, when on country roads the driver chooses the wrong side because it is in better condition and feels no burden on his conscience as long as he endangers no one, it is not the theory of penal law which justifies his attitude but rather *epikeia*. Citizens

are allowed to disregard a law whose observance here and now is not necessary for the common good. But B. Häring justly observes that, "when caught by the authorities, they have no right to resist violently when they are punished."¹⁾ This could be considered the lasting truth of the penal law theory, although it is asserted for other reasons and applicable on a much more limited scale.

The degree of the moral obligation of human laws depends on the greater or lesser importance they have for the common welfare. From what has been said on the legislator's function concerning the creation of laws and the determination of their moral obligation, it must be concluded that he cannot impose a matter of certainly light importance under mortal sin, nor a matter of certainly great importance for the common weal under venial sin only.²⁾ Spitting in a bus cannot be forbidden under mortal sin, nor is plain disregard of the traffic lights ever a light matter. If many theologians have felt that the legislator is permitted to impose serious matters under venial sin only, they must be contested. The reason is that — as has been explained before — the assessment of the moral obligation of a law is not the legislator's task and does not depend upon his will.

Note on the moral obligation of religious rules and constitutions. What has been said until now with regard to civil laws holds equally good for the constitutions of religious orders, where the theory was very wide spread that the positive rulings of the constitutions were mere penal laws.³⁾ With the abandonment of the penal law theory in civil law, this theory is also abandoned with reference to the constitutions of religious orders. This does not imply that free, unjustified transgressions of the rule are immediately venial sins, but they are at least regarded as imperfections.⁴⁾ Transgressions might become venially sinful if they result from sinful motives, like lovelessness, indolence, vanity, or particularly if they give scandal or spring from contempt of the rule.

c) *Extent of the moral obligation.* The subject has the moral obligation to acquire by sufficient means a knowledge of the law. A driver has to know the traffic laws. A priest must know the more important regulations of canon law and the liturgy; he must read

1) B Häring, *Free and Faithful in Christ*, Vol. I, 1978, 370.

2) This is also held by J. Fuchs, *Theologia Moralis Generalis*, Pars I, 1960, 134

3) Cf. J. Fuchs, l. c. 127f. The penal law theory appears in a religious rule for the first time in 1236 in the constitution of the Dominican order.

4) Cf. E. Bergh, "Religious Obedience in the Code of Canon Law", in *Obedience* (London: Blackfriars Publications, 1956), 123-128.

the official diocesan publication to learn the ordinances of his bishop. A clerk in government offices must inform himself about the regulations concerning his office.

The subject is also obliged to use the ordinary means which are absolutely necessary for the observance of the law. Hence a car must have stoplights and a horn. A priest must have a breviary, and take it with him on a journey.

Equally the subject is bound to remove or anticipate obstacles which make the observance of the law proximately impossible, if this can be done without great inconvenience. Hence a teacher may not visit relatives on a Sunday in a faraway province if this will make it impossible for him to be back for Monday classes. A Catholic Christian may not take a pleasure trip on Sunday morning if attendance at Sunday Mass is thereby rendered impossible. (He could however do so if he has no other opportunities for such a recreation and if this happens only seldom).

IV. Legislator and subject

1. *The legislator*

Laws can be enacted by those who have the legitimate authority in a society and to the extent in which they possess jurisdiction. Legislators are only competent in regard to those things which contribute to the aim of the community over which they rule.

Legislative authorities must formulate their laws with a sense of trusteeship and the pride of the craftsman. Positive laws indeed derive their validity from natural law, but they are not a mere copy of natural law. The legislator enjoys all the creative freedom of an architect. The reason is that natural law leaves much leeway as to which concrete solutions should be adopted for the needs and coordination problems of communal life. While for example natural law lays down the basic demand that children must be provided with a sufficient education, the choice of the concrete system of schools remains a matter of free determination for the creative genius of a society.

The possessor of legislative power in civil society is defined according to the form of government. Today for the most part power lies not in the hands of an individual ruler but of a legislative body.

In the Church, the Holy Father is the supreme legislator for all Catholic Christians, and so is a general council with him. Plenary councils can legislate for a whole nation, provincial councils for their district, bishops for their dioceses. For the members of a

religious order the general chapter at least can make laws.

Custom or legalized usage can also create laws. A new obligation is introduced by custom (1) if a majority of the members of a community frequently performs certain acts, (2) if in doing so they have the intention of obliging themselves or of freeing themselves from an obligation, and (3) if they continue to do so for a longer period (30 years according to can. 26 of Church law). It is a matter of course that (4) the custom must be reasonable, i.e. that it has to fulfil the conditions every law must fulfil to have legal strength. A custom which is expressly rejected by the competent authority is not reasonable (cf. CIC 24), since the care of the common welfare is entrusted only to this authority.

Customs are divided into customs in accordance with, contrary to, or in addition to the law accordingly as they interpret, abrogate, or create a new law. By a custom in addition to the law, e.g., a new sacred holyday could be created; by a custom contrary to the law a prohibition of public dances during Lent time could be abrogated. Particular customs are not invalidated by the promulgation of a universal law if the contrary is not expressly stated in the law (cf. CIC 5). Ecclesiastical laws which forbid contrary customs in the future can still be revoked, but only by a centenary or immemorial custom (CIC 26).

Custom is also the best interpreter of the law. ("Consuetudo est optima legum interpres"; cf. CIC 27.) The customary interpretation is generally to be preferred to any grammatical or philological explanation of the law. The force of custom is such that it can restrict or extend the meaning of the law, provided the usual conditions for a customary law are fulfilled.

2. The subject of the law

Subjects of the law are those who belong to the respective community on behalf of some title (birth or naturalization in civil communities; baptism in the Church) and to whom the law is addressed. The law may be addressed to all the members of a community or to a certain group only, e.g. physicians, lawyers, clerics, trade unions, etc. Invalidating and incapacitating laws are effective for all members of the community; prescriptive laws bind only those who have habitually the use of reason. Hence children who have not yet reached the use of reason (ecclesiastical laws apply as a rule only to children who have completed their seventh year — cf. CIC 11) or those who are habitually deprived of the use of reason, are not bound by prescriptive laws.

The legislator himself is equally bound by his laws. This is most obvious if the legislative authority is an assembly of several persons. Yet it seems no less true for the legislator who is an individual person. The reason is not only that the legislator as the head must conform himself to the body and give good example, but also because the order established for the best of the common weal obliges him by natural law as much as his subjects. He may not disregard the common weal in his actions and must contribute to its promotion according to his abilities. The lawgiver is however allowed to dispense himself from those laws and under similar conditions in which he grants dispensations also to others.

The rights and duties of subjects who stay outside their proper territory are regulated for states by international convention and for the Church by canon law (cf. CIC 13 § 2). In principle it holds true that aliens residing in another country are bound to the observance of laws which concern property, contracts and crimes. They must likewise observe the police regulations. With regard to their fatherland they remain subject to those of its laws that concern their status as citizens (e.g. regulations concerning the renewal of passports), their office, their possessions, and the duties they have back home. In things affecting public peace (e.g. curfew laws) and legal formalities they are not subject to the laws of their home country.

V. Procedural justice and observance of the law

1. *Procedural justice* ¹⁾

Procedural justice or procedural morality of the law is concerned with fair procedures in the handling of the law, as the term implies; i.e. it is concerned with the proper divulgation and administration of the law. It is not concerned with criteria for the appropriate content of the law, but rather with the conditions which rule its just and fair implementation. The conditions are the following.

(1) Laws must be *duly promulgated*. They must be made public in such a way that they are generally accessible and that those who are concerned can readily know them. Laws can be obeyed only on condition that they are known. In addition adequate publication is also necessary so that the public can evaluate them and subject them to criticism, if need be.

¹⁾ The issue of procedural justice is given particular attention by Lon L. Fuller, *The Morality of Law* (New York: Fawcett Publ., 1964), 46-108.

A law may enter into force with the moment of its promulgation or at some date fixed by the legislator. Laws which demand that citizens omit certain actions which so far had been allowed, e.g. the hunting of certain animals, or do certain actions, e.g. the insertion of anti-pollution devices in motor vehicles, must allow for a sufficient period of time between the promulgation of the law and its enforcement, so that people can adjust to the new law and not be caught unawares.

Laws of the Holy See are usually promulgated in the *Acta Apostolicae Sedis*. Their obligation begins three months after the publishing date of the issue of AAS in which they appear (i.e. not three months after the date on which the documents are signed), unless something to the contrary is stated (cf. CIC 8). On principle it is not allowed to follow a new law during the time of suspension after promulgation (vacation of the law), and this because of the necessary uniformity of public life. However if the new law does not controvert a former law or if it is merely permissive and not contrary to the rights of a third person, it may be followed earlier.

(2) The effects of the law may *not* be *retroactive*, exceptions apart. Above all new penal laws may not be extended to past actions. This would violate the principle, respected by all civilized nations, that there be no penalty without law ("nulla poena sine lege"). If for example a new law guarantees copyrights for computer programs today, it would be unjust to penalize those who have copied programs yesterday.

By their very nature, laws are prospective. Since they are supposed to rule human conduct, and since only actions which are not yet accomplished are subject to guidance, laws must in principle limit themselves to govern present and future conduct. Nevertheless at times situations can arise which recommend retroactive statutes or even make them imperative. Usually they are curative measures for the undesirable effects of outdated or defective laws of the past. Thus the former code of canon law contained many censures and excommunications which no longer appear in the new code of 1983. Retroactively they cease to have effect also for those persons who incurred them at a time when they were still in force (cf. CIC 1313). Thus those who according to the old legislation incurred excommunications because they contracted marriage before a non-Catholic minister or had their children baptized by him are no longer subject to these censures.¹⁾

¹⁾ These penalties have in fact already been abrogated, with retroactive effect, by the Moto Proprio "Matrimonia Mixta" of 1970; AAS 62 (1970), 262 (no. 15).

(3) Laws must be coherent, *not contradictory*. Or, as another terminology prefers, they must not be incompatible or repugnant. Evidently contradictory laws place the subjects in the unfair condition of not being able to satisfy both laws at the same time. They end up being exposed to legal sanctions, whatever action they take.

(4) A just legal order must *heed legal continuity*. This implies that laws should not change too frequently. Otherwise many of the citizens will be left disoriented. The maintenance of continuity may even mean for the lawgiver that at times he must forego changes which in themselves may be improvements from the point of view of natural law. This applies if the change, owing to deeply rooted custom, proves to be detrimental to legal stability and the common utility. "Legal reforms, therefore, must be decided not simply according to natural law postulates but also according to factors of a positive law character."¹⁾

(5) Procedural justice finally demands *congruence between official action and declared rule*. There is a kind of reciprocity between the government and the citizens with respect to the observance of the law. Citizens are expected to abide by the rules of the law, and governments are expected to apply them without distortion to the conduct of the citizens. When this bond of reciprocity is violated or ruptured by a government, a general deterioration of the legal order will inevitably ensue. The congruence may be impaired in a great variety of ways: mistaken interpretation, ignorance, indifference, bribery, prejudice, discrimination, harassment. A frequent discrepancy between law and official action is the theoretical assurance of religious liberty by constitutions and the actual prosecution of religious activities by official action.

"The most subtle element in the task of maintaining congruence between law and official action lies, of course, in the problem of interpretation. Legality requires that judges and other officials apply statutory law, not according to their fancy or with crabbed literalness, but in accordance with principles of interpretation that are appropriate to their position in the whole legal order."²⁾ The experts of the law are expected to be fully acquainted with these principles (cf. CIC 16-19).

There are however times when the genuine good of the community and its members is best served by departing from the letter

¹⁾ J. Messner, *Social Ethics* (St. Louis and London: Herder Book Co., 1965), 297.

²⁾ Lon L Fuller, *l. c.* 96.

of the law. Such decisions call for a high degree of personal responsibility, especially if made by governments in matters of national concern. This is the question of *epikeia*, which will be dealt with more in detail below.

2. Observance of the law

a) Requirements to be complied with in the observance of the law. Negative or prohibiting laws are fulfilled by the mere fact that the forbidden act is omitted, even if the omission was involuntary. But whoever is ready to disregard the provisions of the law, if he could, sins in thought.

Affirmative laws, or laws that prescribe an action, are observed by the simple fulfilment of the required matter, if nothing else is asked for. Whoever is obliged to pay a debt is freed from his obligation as soon as the amount is paid, even though the payment is forced (e.g. in a forced sale) or made by somebody other than the debtor.

Affirmative laws that call for a personal service require a personal and at other times also a conscious and free fulfilment of the law. One cannot fulfil duties to vaccination, suffrage or Sunday Mass by proxy. Sunday Mass attendance in particular demands not only a personal, but also a conscious and free fulfilment of the law. Therefore the obligation is not satisfied if one is asleep throughout the entire Mass or if one assists the Mass without any inner devotion only out of fear of one's parents.

b) Services not required in the observance of the law. The law does not require the intention to satisfy one's obligation in doing the prescribed thing. Whoever chooses military service as his profession has complied with the law of conscription, even if he did not think of doing so at all. Whoever hears a Mass on a sacred holyday with devotion, e.g. a wedding Mass, not knowing that it is a sacred holyday, or even if knowing this, intends to fulfil his obligation only later, has nevertheless observed the law and is not required to attend another Mass that feast day.

It is also not necessary to actually achieve the purpose of the law in fulfilling it. Therefore if an immigration law demands a vaccination against smallpox within the last six months, the immigrant must undergo the vaccination if he has not had it within that time, even though he is already immune against this sickness. Likewise a stingy man observes the law of fasting, even though he fasts all the time to save money.

As to the religious obligations of Catholics, the state of grace is not required by the law, unless it belongs to the substance of the required work. One's Sunday obligation is satisfied even if one assists at Mass in mortal sin. But one cannot fulfil one's obligation to Easter communion by sacrilegious reception of the sacrament.

c) Simultaneous compliance with several laws. Several obligations can be fulfilled by the same act, provided the matter and the motive of the law are the same. If fire-fighting equipment in a building is required by a local police regulation and an insurance company, the same set of equipment suffices to satisfy both obligations. Viaticum received during the paschal time satisfies one's Easter duty. If however attendance at Mass is imposed as a penance in confession, the Sunday Mass does not satisfy this obligation, since the motives of the two obligations are different.

Several laws can be fulfilled at the same time, provided the different actions simultaneously undertaken are not mutually exclusive. Therefore one may go to confession during an obligatory Sunday Mass. But a deacon would not comply with his Sunday obligation if during Mass he prayed his breviary all the time.

Both cases presuppose that the legislator has not decreed otherwise, i.e. that he has not forbidden simultaneous compliance in certain instances.

d) Observance of the time designated by the law. Laws cannot usually be observed before the legal time for their fulfilment. If teachers or physicians are required to undergo a practicum after their studies, an earlier practicum will not do. Neither can priests or deacons pray their breviary two days in advance.

Compliance subsequent to the termination of the legal time is not possible if the lawgiver intended that with the passing of time the obligation or right to the act also ceases. He who does not publish his dissertation within ten years after its defence, if this is what the law requires, forfeits the right to the doctoral title. He who misses Mass on Sunday or omits his breviary, need not make up these omissions; but he would be obliged to confess them if the omissions are due to his own negligence and fault.

Subsequent compliance however is required where the time limit is assigned to urge the fulfilment of the obligation. If vaccination against swine-fever is required until a certain date, those who did not comply with this obligation are still obliged to do so afterwards, although they have to fear some punishment for their tardiness. If somebody did not communicate during Easter time, he is

still bound to fulfil his Easter duty; but he has sinned if the reason for this delay was his own carelessness.

3. *Epikeia*

Epikeia (or epikia, epiky) is an interpretation of the human law not according to its letter but according to its spirit in those border cases which have not sufficiently been taken into consideration by positive law.¹⁾ St. Thomas regards epikeia as a virtue, the daughter of prudence and equity. Häring justly points out that "epiky as readily inclines one to accept burden and strain beyond the letter of the law if its intent and purpose and the common good demand it, as to hold oneself free from the onus, when one must assume in all fairness that the lawgiver does not will to impose such a burden in altogether singular circumstances — or at least not in the specific manner prescribed by the letter of law."²⁾ Therefore if a law provides for a minimum wage which is too low, or has become too low because of inflation, the true spirit of epikeia will move the employer to pay more than the letter of the law requires, if not by raising the wage then at least in the form of other benefits.

From this it is apparent that epikeia is not evasion of the law, but the spirit of that freedom from the mere letter of the law which St. Paul had so much at heart and which aims at a nobler fulfilment than the mere letter prescribes. Epikeia maintains the superiority of the unwritten, intrinsic law inherent in human nature over the codified norms of positive law.

In the narrow sense, epikeia is a restrictive interpretation of the law by private authority excusing one from the observance of the law in some particularly difficult case in accordance with the genuine meaning of legislation. Moral handbooks usually confine epikeia to this second, narrow sense. Frequently manuals hold that epikeia is rather an interpretation of the law in accordance with the true mind of the legislator than with the genuine meaning of legislation. Yet it is rightly advanced that the legislator himself may at times be too narrow in the understanding of his laws, and that one can imagine legitimate exceptions which the legislator himself

¹⁾ Other ethical schools speak of moral emergency, of supra-legal law, of "unavoidable sin". Ascetic theology speaks of presumed permission.

²⁾ B Häring: *The Law of Christ*, vol. I, 1966, 281.

might not be willing to approve.¹⁾ Besides in today's democratic societies legislators are usually not individual persons but legislative bodies. Laws are often the result of a compromise. It is therefore difficult, if not impossible, to identify the precise mind of the legislators behind the law.

Christ himself practised and taught the virtue of *epikeia*. Thus he states that the Sabbath was made for men (Mk 2:27) and insists that the Sabbath laws yield to their necessities, even if the exceptions should contradict the letter of the law. He transgresses the Sabbath law in order to heal the illnesses of people (Mk 3:1-5; Lk 13:10-17; 14:1-6; Jn 5:1-16; 7:21-24; 9). He permits his disciples to pluck ears of grain on the Sabbath day to appease their hunger and quotes, against his critics, the example of David who ate together with his men the bread of the Presence in the temple in an emergency situation, although he and his men were not allowed to eat this bread, but only the priests (Mt 12:1-8). He likewise mingles and dines with publicans and sinners, disregarding the law of pious Jews which forbade them to do so, yet obeying the higher law of his salvific mission (Mk 2:15-17; Lk 15:1f).

The inner justification of *epikeia* is the following. First, the legislator cannot foresee all the circumstances which may arise for individuals and, even if he did, could often not cover them all in the wording of a general law. Second, laws can often not follow fast enough the developments of life and the changes in society. Being tailored for past conditions, they are not always able to do full justice to the needs of the present. Thus positive laws necessarily remain imperfect and deficient. Human legislation itself has therefore the jural duty to admit of the right of its subjects to resort to the law of *epikeia*, so that the unavoidable deficiencies of the law can be compensated.

Evidently *epikeia* is an exceptional thing. It may only be employed with prudent discretion. When making use of it, the following conditions and cautions should be observed.

(1) *Epikēia*, as discussed in this context, only applies to positive laws. To the extent that legislations render natural laws, it cannot be applied. Thus it is not permissible to use fraud and lies in order to secure a piece of public land for a charitable purpose or

¹⁾ The case of a parish priest of poor health is reported who 20 years before the reform of the eucharistic fast (which at that time demanded to remain totally abstinent from midnight on until the celebration of the last Mass) would take a broth between his Sunday Masses at 7 a.m. and 9 a.m. He argued, with some good reason, that the Church must permit him to get the strength for his work if she wants him to do it.

a Church building. The use of epikeia in matters of natural law has been discussed earlier and is subject to much greater restrictions.

(2) The hardships and disadvantages resulting from fulfilment of the law must be unproportionately great and outweigh the benefits to be hoped for from compliance with it. This only unfolds the demand, contained in the very definition of epikeia, that it must remain in harmony with the genuine meaning of legislation. Epikeia must be justified by the superior needs of the common good and ultimately by the demands of the ultimate end of mankind. One has to weigh against each other, on the one side, the importance of a law for the common weal as well as the negative consequences resulting from its disregard and, on the other side, the hardships and detriments accruing from its fulfilment.

(3) Consultation with others is very much urged, especially in instances of more important exceptions. Individuals can easily deceive themselves as to the validity of their reasons. Therefore they do well to avail themselves of the more detached advice of others. This is probably also the reason for the following condition, commonly found in handbooks.

(4) In doubtful cases recourse to the superior is required, unless it is unproportionately difficult to approach him. In instances however where the use of epikeia is certainly justified, recourse to the superior is in principle not necessary. If the law does not bind because of inner reasons, an additional dispensation from the superior is not required.¹⁾ But not seldom an obligation might exist to inform the superior about what one is going to do.

(5) Epikeia cannot be applied to laws that void acts (invalidating laws) or to laws that render persons incapable of undertaking certain legal actions (incapacitating laws). The common welfare requires that certainty be had about the validity of such acts. Thus for example civil law usually declares a last will invalid if it is written without a date. Or youths under the age of 18 are declared incapable of obtaining a driver's license. J. Fuchs admits a rare possibility of epikeia with regard to incapacitating laws in very extreme cases and gives the example of matrimonial impediments.²⁾

Epikeia is usually thought of as a right applying only to the individual and private sphere. Yet the right of epikeia exists no less in the realm of public law. In a state of emergency the government of a democratic community is entitled to measures exceeding the

1) Cf. J. Fuchs, *Theologia Moralis Generalia, Pars I* (Roma: Editrice Università Gregoriana, 1960), 140.

2) J. Fuchs, l. c. 139.

powers provided in the constitution, if this is necessitated for the safeguarding of essential ends of the community. Nevertheless the government remains bound to give an account of its actions to the legislative authority as soon as possible.¹⁾

VI. Cessation of obligation and of the law itself

1. *Cessation of obligation*

The obligation of the law ceases by causes which exempt or excuse from the law, by dispensation, and by privilege.

a) That person is exempted from the law who ceases to be its subject. This may come about through a change of age, profession or rank, but above all through a change of domicile. For example, one may leave a country in which there is an obligatory holyday and enter another country where no such obligation exists. Whatever be one's reason for leaving, there is no obligation for the traveller to observe the holyday in the other country.

b) That person is excused from the law who is invincibly ignorant of it. According to canon law ignorance also excuses from the penalty, but not from the effect of invalidating or incapacitating laws (CIC 15; 1323 no. 1). A person who has committed an abortion but is ignorant of the fact that it is censured by an excommunication does not incur the penalty (although she nevertheless sins gravely). On the other hand, a merely civil marriage of Catholic partners contracted without dispensation from the bishop remains invalid, even if the partners were unaware of this requirement.

Physical impossibility equally excuses a person from the observance of the law. A person wounded by a bullet cannot appear in court.

Moral impossibility, i.e. if the observance of the law results in great hardship for the subject, also generally excuses from positive human laws. It does not however excuse from those human laws which only render a prohibiting natural law, e.g. laws prohibiting perjury or murder, unless the natural law itself permits of exceptions, e.g. purloining of another person's property in order to save one's life. The exceptional cases in which human laws, whether they render affirmative natural laws or freely accepted obligations, can require heroic acts have already been mentioned earlier. For the other laws the maxim holds that the more important the law is,

¹⁾ Cf. J. Messner, *Social Ethics*, 1965, 301.

the greater an inconvenience is required to excuse a person from it.

Partial impossibility excuses totally from the observance of the law if the obligation is indivisible. Thus, if one vows to make a pilgrimage but finds one cannot reach the shrine, one need not even begin the pilgrimage. If the obligation is divisible, the possible part of it must be observed. An obligation is divisible if that part of it which can be observed is sufficient to attain the end of the law. Thus he who cannot recite the entire Divine Office must recite whatever part of it he can.

c) A dispensation is a release from the law in a special case by the legitimate authority. Apart from this, the person remains bound by the law. For example a student may be dispensed from classes in order to attend the wedding of her brother. A dispensation, to be lawful, can only be given for a sufficient reason, which must be in proportion to the gravity of the law. It need not be so great, however, as would be required to excuse one from the observance of the law. The interpretation of a dispensation must be made in the strict sense (cf. CIC 92), except — so the commentators of canon law — the dispensation is given *motu proprio* or in the interest of the common good or if the dispensation is already contained in the legal enactments.¹⁾

d) A privilege is a right granting to one person or a group of subjects a favour not due to them by law. While a dispensation usually releases from the law only temporarily, a privilege is a permanent special ruling. Thus members of the armed forces often have the privilege to use the public means of transportation free of charge if they are on duty. Privileges may be granted by the legislator or by those who have received the respective power from him. Their responsibility for the common good requires them to grant privileges only when the common good is safeguarded. Odious privileges, which curtail the rights of others or place a burden upon them, must be interpreted strictly; e.g. the exemption of private schools from taxes does not automatically include property of theirs used for commercial purposes. Favourable privileges, which are a burden to no one, can be broadly interpreted; e.g. the privilege granted to a confessor to absolve from reserved since.

2. Cessation of the law itself

a) Extrinsically a law may cease through the act of the legis-

1) Cf. H. Jone, *Moral Theology*, 1963, no. 74.

lator or through contrary customs. A new law abrogates a former law if it expressly states this, or if it is directly contrary to the old law, or if it regulates anew the entire subject matter of the old law. In case of doubt the revocation of an earlier law may not be presumed, but as far as possible the later law must be harmonized with it. If the new law is only partially contrary to the old, then the old law is repealed only in part (cf. CIC 20f).

b) Intrinsically a law can lose its force because its purpose ceases to exist. If the purpose of the law ceases in its whole extent and for all, the law itself ceases entirely. The prohibition of public gatherings during an epidemic, for instance, ceases when the epidemic ceases, even if it is not expressly repealed. If the law creates great difficulty for certain persons only, these may use *epikeia*. If the law brings to some no advantages, but also no loss, it must be observed for the sake of the others. Thus the banns of marriage must be published even when the parties know that there is no impediment.

Chapter III

CONSCIENCE

The moral precepts as objective norms of morality can be compared to signposts and markers on the road which indicate the direction the traveller must take in order to reach his goal. The mere existence of the signposts however is not enough to help people on their way. They need a sense to perceive the signs, to select from among them the relevant ones, and also to help them where there are none. This sense is a person's conscience. It is that moral faculty which tells people subjectively what is good and evil and which manifests their moral obligation to them.

A. Notion and origin of conscience

I. Concept of conscience

A distinction must be made between conscience as moral faculty, which manifests to men their moral obligations and impels them to fulfil them, and conscience as practical moral judgement, which tells men in the concrete situation what their moral obligations are.

1. *Conscience as moral faculty*

Scholastic theology and the traditional manuals of moral theology commonly consider conscience not as a separate moral faculty, but as a particular instance of the operation of reason. Conscience is the process in which the general norms of the moral law are applied to a concrete action which a person is about to perform or has performed, telling the person what his obligation is here and now or judging his past acts. In this view conscience is a herald which voices the objective law and a deputy which applies it to the concrete, individual situation. Conscience accordingly is considered a judgement of the practical reason. Although Thomas Aquinas has more to say on conscience than the few points made,

his understanding of it is certainly intellectualistic.¹⁾

A different understanding of conscience is advanced by Augustine and the Franciscan school. For Augustine, conscience is the place of the loving colloquy between God and man, and therefore the voice of God. Conscience is the divine centre of a person, where he is addressed by God. In it he is aware of God and the soul. In line with this thought Bonaventure and the great mystics of the Middle Ages place the innermost ground of conscience in the "scintilla animae", the spark of the soul. At other times they describe it as the peak of the soul. It is that centre of the soul where man encounters God and is least accessible to the contamination of sin. In later scholastic and moral theology, however, this view found less attention.²⁾

Among recent theologians some hold that conscience is not just one faculty, but the result of an interplay between intellect, will and man's total personality.³⁾ In a last analysis that would imply that conscience is no specific faculty on its own. Other recent theologians however resume the tradition of the Franciscan school and place the conscience in the "scintilla animae", the ground of the soul. They consider it a reality deeper than reason and will and distinct from both, the centre of the human person. This is the view of F. X. Linsenmann,⁴⁾ A. Koch,⁵⁾ T. Müncker,⁶⁾ K. Golser,⁷⁾

1) For a good, brief presentation of the teaching of Thomas Aquinas on conscience, cf. Wilhelm Ernst, "Gewissen in katholischer Sicht," *Internationale katholische Zeitschrift "Communio"* 11 (1982), 155-159.

2) For a concise presentation of the Augustinian tradition, cf. Anselm Hertz, "Glaube und Gewissen", in *Handbuch der christlichen Ethik*, vol. 3, ed. by the same et alii (Freiburg: Herder, 1982), 52-58.

3) This is the view of B. Häring in *Free and Faithful in Christ*, Vol. 1 (Middlegreen, Slough: St. Paul Publ., 1978), 234.

4) Franz Xaver Linsenmann, *Lehrbuch der Moraltheologie* (Freiburg, 1878), 86-89; quoted by Karl Golser, *Gewissen und objektive Sittenordnung* (Wiener Domverlag, 1975), 81f. Golser's book is a very careful, instructive monograph on the development of the concept of conscience in the history of Catholic moral theology.

5) Anton Koch, *Lehrbuch der Moraltheologie* (Freiburg, 1905), 77-79; quoted by K. Golser, l. c. 83.

6) Theodor Müncker defines conscience as "the function of the whole human personality, in which the personally binding demand of what morally should be done is brought to consciousness" (*Die psychologischen Grundlagen der katholischen Sittenlehre*. Düsseldorf: L. Schwan, 1934, 26). This could be understood in the sense of an interplay of all man's faculties, especially reason, will and emotion, in the function of conscience. But in his further explanations Müncker presents conscience so unequivocally as a specified faculty ("Anlage") that it appears to be a capability distinct from reason and will. From conscience as an act Müncker concludes to a corresponding potency (ib. 130-169, esp. 130).

7) K. Golser, l. c. 161.

F. Furger,¹⁾ A. Auer, J. Fuchs and J. Gründel.²⁾ "Conscience is more than mere reason, more than mere will, more than mere feeling, it is the depth of human existence, the innermost core of the person in his directedness towards God and in his ultimate sustenance by him."³⁾

Conscience is not mere reason, because it is more than a mere executive agent of pre-existent moral laws, whose only task it is to apply the laws to concrete situations here and now. Otherwise persons with the sharpest intellect ought to possess the best consciences, which is not the case. Conscience first and foremost informs a person about his personal calling in the context of God's plan of creation, which calling reason cannot deduce by purely intellectual operations from merely rational premises. Reason alone is also not sufficient to explain the strong elements of an emotional nature connected with the judgements of conscience, especially with consequent conscience.

Conscience evidently is also not identical with the power of the will, since man may will and do what is against his conscience. It is not merely a feeling, because it deals with objective realities and definite contents and demands.

Accordingly conscience is a faculty in its own right, distinct from reason, will and feeling. It is that faculty, situated in the very depth and centre of the human person, which accords to man an understanding of his meaning and destiny, an awareness of the divine purpose behind the world, a perception of his personal calling within God's plan, and an experience of the imperative character of this calling. Implied in this is the spiritual and emotional urge to comply with the demands resulting from the call. All this makes it plain that conscience by its very nature has a religious dimension. It is the place where a person is called to responsibility before God. This is the reason why disobedience to its voice entails the guilt of sin.

With these explanations in mind, conscience can be defined as that faculty which makes known to man his moral obligations and urges him to fulfil them. It is not primarily a theoretical or scientific knowledge of moral values and of good and evil; rather it shows man what his ultimate calling and the divine Spirit require of him individually as his personal obligation and leads him to perceive

¹⁾ Franz Furger, *Anspruch Christi und Handeln des Menschen* (Freiburg/Schweiz: Imba, 1972), 62.

²⁾ For the last three theologians, see W. Ernst, l. c. 162 f.

³⁾ A. Auer, quoted by W. Ernst, l. c. 163.

the binding force of these requirements. Not only the requirements of man's nature but also of grace and the divine Spirit are manifested by conscience, since in our concrete world man is everywhere under the influence of Christ's grace and of the Holy Spirit.

By force of this influence all men are enabled to strive after their common, ultimate vocation, which according to Vatican II is one and divine for all mankind (GS 22).

The elementary ground and nucleus of conscience is called *synderesis* (or *synteresis*) by scholastic theology since the 12th century.¹⁾ It is the *habitus* of the ultimate moral principles (*habitus primorum principiorum operabilium*), which are not reducible to principles still more basic and are immediately perceived by the practical understanding. The most universal principle of *synderesis* is that the good must be done and evil must be avoided. Man's knowledge of his existential ends and of the basic moral principles flowing therefrom must equally be attributed to the innate faculty of *synderesis*. For Thomas the *synderesis* is a *habitus* of reason.²⁾ Present-day theologians however rather assign *synderesis* its place in the centre of the person.

According to Bonaventure *synderesis* is not only a perceptive faculty, but furthermore and even primarily a faculty with volitive quality, which inclines and urges a person to accept the known good and to realize it. This impulse flows from the vital awareness of man's innermost self that in the attitude assumed towards the moral values his true being and his salvation are at stake. The radical commitment to goodness and holiness "must spring from the love rather than the knowledge of the good."³⁾ In fact both functions, the perceptive and the volitive, must be attributed to *synderesis*.

On the basis and under the orientation and impulse of *synderesis* the further growth and acquisition of practical moral knowledge takes place, occasioned by experience, education, instruction, study. It is here where the aid of reason plays an indispensable role. In this process the objective moral law becomes more and more a personal possession, or at least ought to be personally appropriated. Not in the last instance is a deeper practical knowledge of the authentic moral values acquired by the very practice of the good.

¹⁾ The term *synderesis* is probably due to a slip of a copyist in writing the word *syneidesis* in St. Jerome's Commentary on Ezechiel.

²⁾ S.Th. I, q. 79, a. 12.

³⁾ Cf. W. Norris Clarke, "The Mature Conscience in Philosophical Perspective", in *Conscience: Its Freedom and Limitations*, ed. by William C. Bier (New York: Fordham Univ. Press, 1971), 361.

Synderesis together with the practical moral knowledge, that develops and is acquired under the impulse of synderesis, constitutes the habitus of conscience. This habitus is the presupposition and source of the practical judgements and dictates which tell a person his moral obligation in the concrete situation.

2. *Conscience as practical moral judgement*

The faculty of conscience goes into action when the morality of a concrete line of conduct, which a person wants to follow or has followed, and the moral obligation in the concrete situation, are to be judged. The moral faculty then formulates a judgement, which is called the dictate of conscience or also simply conscience. Many moral theology handbooks consider this dictate as conscience in the strict sense.

Conscience in this sense is defined as an ultimate, practical judgement on the morality of a concrete action, commanding to do what is good and to avoid what is evil. In most cases this judgement is not reflexive but spontaneous. The judgement of conscience is expressly reflected upon especially in instances of doubt or of resistance and disobedience to the dictates of conscience.

Conscience is called an ultimate, practical judgement in contradistinction to a practical judgement of speculative nature. The first concerns a person's concrete action in a concrete situation; the second formulates general moral principles concerning the morality of human actions in the abstract without relation to the concrete activity of a person here and now. The principles and norms collected in moral handbooks are practical judgements of speculative nature.

The dictate of conscience contains a double element. The first element is the judgement on the morality of a concrete action which a person intends to perform or has performed, or which he intends to omit or has omitted. This judgement can be erroneous, because conscience may judge a line of conduct to be right which is objectively wrong and vice versa. The second element is the command and obligation that what has been recognized as good must be done or should have been done, and what has been recognized as evil must be omitted or should have been omitted. This obligation is categorical. It is not only always right to follow it, it is obligatory to do so.

Just as the faculty of conscience is not merely a collection of pre-existent moral norms, so the concrete judgement of conscience is not merely an act in which general moral norms are applied to a

concrete action here and now. True, such an application also takes place, but it is always accompanied and completed by a person's fundamental awareness of his personal destiny and individual calling by God.¹⁾ Even the general moral laws are formulated under the influence of this awareness which men have of the purpose and meaning of their lives and the world at large. It is for that reason that the general laws can appeal to the consciences of men, because ultimately the laws have been formulated under their inspiration and control.

3. *Division of conscience*

Conscience can be *antecedent or consequent*. It is called antecedent if the judgement on the morality of an action and the obligation to perform or omit it is passed before the action is translated into reality. The antecedent conscience commands, exhorts, permits, or forbids. Conscience is called consequent if it evaluates a deed already done or omitted. The consequent conscience approves, excuses, reproves, or accuses.

Conscience can be *right or erroneous* according as the practical moral judgement agrees or disagrees with the objective norms of morality. The person who judges that it is not right to get a divorce simply because the woman is no longer beautiful has a right conscience. An *erroneous conscience* is either *invincible or vincible*. The *invincible erroneous conscience* is inculpable since the person has no awareness of the possibility of error. If Hindus believe they may not eat the meat of cows, their conscience is erroneous from a Christian point of view. But for the Hindus this error is invincible, since their religion teaches them that cows are sacred. The *vincible erroneous conscience* is culpable because with some good will its error could be corrected, e.g. if a white judge is aware that he too uncritically accepted the testimony of a doubtful witness against a black defendant. The perplexed conscience and the judgements of the lax and scrupulous conscience are species of the erroneous conscience.

Conscience can be *certain or doubtful*. A *certain conscience* passes judgement without fear of error. For moral certainty it suffices that all reasonable fear be excluded. Thus a person who is convinced that she has paid back the 200 dollars she owed to her friend has a certain conscience. An absolutely certain conscience

¹⁾ Cf. John J. McNeill, "Freedom of Conscience in Theological Perspective", in *Conscience: Its Freedom and Limitations*, ed. by W. C. Bier, l. c. 122f.

however can still be erroneous. For example, if the debt is paid in installments, it may still be true that the person is mistaken and that only 150 dollars have been paid. The doubtful conscience is uncertain concerning the morality of an action. Therefore it suspends its judgements; or it passes judgement but with reasonable fear of erring. Thus a youth who doubts whether it is right for him to see a controversial movie has a doubtful conscience.

In ethical discussions of today a strong stress is often laid on the distinction between moral goodness or badness and moral rightness or wrongness. This distinction coincides with the traditional distinction between a certain conscience and a right conscience. To follow a certain conscience is always good and not to follow it is always evil, even if this conscience is in invincible error and therefore not morally right. (This will be explained more in detail below). Accordingly what is morally right may not necessarily be morally good, and vice versa. If a Hindu, while visiting American friends in the United States, is offered meat of cows, which he otherwise considers sacred, and is ashamed not to eat it, he does what is objectively morally right, but what on the basis of his own belief is subjectively morally evil.

II. Holy Scripture on the nature of conscience

The Old Testament. The word conscience, in Greek *syneidesis*, is of Hellenistic origin. It should therefore not come as a surprise that the word conscience does not occur in the Old Testament, except for Wisdom 17:11. But the reality itself of conscience is not unknown to the Old Testament writers. Expressions used for this reality are "mind" (at other times translated "loins") and "heart". The words are frequently coupled together (Ps 26:2; Jer 11:20; 17:10; 20:12). At other times the term "heart" alone is employed (Gen 20:5; Ps 7:10; 24:4; Jer 17:1; 31:33). From the beginning of salvation history the phenomenon of the conscience which condemns man after sin is known; cf. Adam and Eve after they had eaten from the forbidden tree, Gen 3:7-10; Cain after he had killed his brother Abel, Gen 4:9-14; David whose heart smote him because he had numbered the people against the will of the Lord, 2 Sam 24:10. Equally known is the conscience which praises man for his justice: "My heart does not reproach me for any of my days" (Job 27:6; also Ps 17:3; 26:2f; 139:23f). The judgement of conscience is for the Old Testament ultimately the voice of God, a fact that is especially evident in the example of Cain's remorse for his crime.

The New Testament. Christ himself and the gospels do not use the term conscience either, although Christ most earnestly warns against the obscuring of conscience when he says: "If the light in you is darkness, how great is the darkness" (Mt. 6:23). And on the other hand he commends: "If your whole body is full of light, having no part dark, it will be wholly bright, as when a lamp with its rays gives you light" (Lk 11:36). John resumes the Old Testament manner of expression and speaks of the heart which condemns or reassures a person (1 Jn 3:19-21). But in the other writings of the New Testament the term conscience occurs repeatedly, and especially Paul develops the doctrine concerning it.¹⁾

Paul, in using the word conscience (*syneidesis*), was taking up a term which was frequently used from the first century before Christ onwards in popular philosophy and ethics. The characteristic mark of this spiritual function is the personal and spontaneous reaction before or after some moral decision; but awareness of moral values is of course necessarily presupposed as its foundation.

This latter meaning, awareness, is more closely adhered to than is usual with us, when Paul speaks of "commending ourselves to every man's conscience in the sight of God" (2 Cor 4:2) or when he hopes that what he is, is "known" to the "conscience" of the Corinthians, that is that his uprightness may be discernible to them (2 Cor 5:11). The use of "for conscience's sake" in Rom 13:5 is a request to act not merely out of fear of God's wrath but also out of appreciation for the inner goodness of the moral command.

Often conscience is characterized as a "witness" (Rom 2:15; 9:1; 2 Cor 1:12). It accompanies our actions as an incorruptible witness within us, and can also be called upon to attest the truth of our assertions. When dealing with the "weak conscience" of those who consider it illicit to eat meat offered to idols (1 Cor 8:7-13; cf. 10:23-30), the apostle writes partly of the antecedent judgement of conscience, which is erroneous in this case, and partly of the reaction of the subsequent conscience, because the conscience of the weak finds itself "defiled" if they eat sacrificial meat. Subsequent conscience is also described in Romans 2:15 under the image of mutually accusing and defending thoughts, and in 2 Cor 1:12 under the metaphor of a witness who testifies for Paul that he behaved in the world with holiness and sincerity. The expression "a good conscience" (1 Tim 1:5 and 19; Acts 23:1; Heb 13:18; 1 Pet 3:16 and 21) and "a pure conscience" (Acts 24:16; 1 Tim 3:9;

¹⁾ Cf. R. Schnackenburg, *The Moral Teaching of the New Testament*, 1967, 287-296; Wolfgang Schrage: *Ethik des Neuen Testaments* (Göttingen: Vandenhoeck und Ruprecht, 1982), 185f.

2 Tim 1:3; and the opposite in Tit 1:15) equally include the approving judgement of subsequent conscience.

The judgements of conscience are not merely natural insights, but judgements enlightened by faith. According to the first letter to Timothy, the moral judgements proceed as much from conscience as they do from faith. "The aim of our charge is love that issues from a pure heart and a good conscience and sincere faith" (1 Tim 1:5; cf. 1:18f; 3:9). And while in 1 Cor 8:10 the judgement on the morality of good is passed by conscience, it is passed in Rom 14:23 by faith. "Whatever does not proceed from faith is sin." It is difficult to attribute a special sense to the word faith in this context. But it is also not necessary. "For to St. Paul, faith is the whole attitude of the Christian, assimilating his judgements of moral worth too. The Christian is not divided within himself, with a natural economy and a supernatural one, there is only one judgement of conscience, and it is determined by his belief."¹⁾

Here, as in the Bible in general, faith is not primarily an intellectual affirmation of religious truths, but most of all an unconditional surrender to God. The voice of conscience as informed by faith is a call to trusting self-surrender to the will of God, a will which finds particularly clear expression in the person and message of Christ.

Convictions of conscience, it is to be noted, do not automatically entitle a person to carry them out without any further considerations. The right to follow them is limited by the criterion of love. The conviction that Christians may eat all foods and even meat offered to idols is correct according to Paul. But not all share this conviction. Having a "weak conscience", some believe that they must abstain from certain foods and from meat offered to idols. This being so, those who have a strong conscience must show consideration for the weaker brethren. They may not eat from the disputed foods in the presence of the weaker brethren if this could seduce them to act against their conscience and therewith to commit sin (Rom 14 and 1 Cor 8).

Conscience finally is a universal endowment of all men. In Romans 2:14f, Paul shows he is convinced that "the Gentiles who have not the law do by nature what the law requires" and hence are a law to themselves. The next verse then determines more precisely by what means they have the possibility to fulfil the moral law without knowledge of the written law: "They show that what the law requires is written on their hearts, while their conscience also

¹⁾ R. Schnackenburg, l. c. 294.

bears witness and their conflicting thoughts accuse or perhaps excuse them." "This passage bears witness to Paul's view, a view perhaps not uninfluenced by Stoic thinking, but wholly translated into Christian terms, that everyone possesses a faculty of making moral judgements, and a conscience.¹⁾

III. Origin and development of conscience

The experience and knowledge of Holy Scripture that there is a voice in man which demands of him to do the known good and which accuses him if he refuses to obey this call, is actually a universal phenomenon. No culture has yet been found in which conscience is not recognized as a fact. Generally among primitive peoples, expressions such as "heart" and "loins" replace the word conscience. An ancient Egyptian text reads: "The heart is an excellent witness", and one must not transgress against its words; "he must stand in fear of departing from its guidance". Among the Hindus, conscience is regarded as "the invisible God who dwells within us". Seneca expresses the same thought when he speaks of a holy spirit dwelling in man, "an observer and watcher of good and evil in us" (Epist. 41,1). Although in the process of secularization in modern times, the religious aspect of conscience was given up, Kant still thought of conscience as the "consciousness of an interior court of justice in man".

But empiricism gave conscience a psychological interpretation and derived it from sociological conditions and needs (H. Spencer, E. Durkheim) or even from oppression by civilization (F. Nietzsche, S. Freud). Thus although the existence of conscience was not denied, its authority as a competent judge of good and evil was challenged and rejected. This attitude however was not adopted by the philosophy of the 20th century, which on the contrary has been concerned with doing justice to the phenomenon of conscience in such representatives as M. Scheler, N. Hartmann, M. Heidegger, K. Jaspers. Heidegger sees in conscience the "call of care", which keeps existence from the impersonal "man" and which is open for the "voice of being". Jaspers understands by conscience that voice speaking to man "which is man himself". In depth psychology conscience has been given an authentic place especially by C. G. Jung and J. A. Caruso.²⁾

1) Ib. 293.

2) Cf. W. Dupré, "Conscience", *New Catholic Encyclopedia* IV, 1967, 196f.

1. *Argument about the origin of conscience*

The contention that conscience is not the expression of a divine will or of man's authentic self, but that it is merely the reflection of opinions which man has acquired from the social environment and from other influences to which he has been exposed, has been propagated in recent years mainly by certain schools of psychology. According to *Freud* and his psychoanalytic school, conscience together with the ego-ideal compose the "superego". This is a set of demands and habits learned from parents and from society which require the individual to live and act according to prescribed rules and standards. These habits and rules however are repugnant to the individual's deepest inclinations and true nature. Man's most original inclinations have their place in the unconscious, which (beside forgotten or repressed memories) contains an energetic stock of instinctual drives, chiefly sex and aggression. These basic energies operate through the dynamic "id", which is the original system of the human personality. It is self-seeking, operating wholly on the "pleasure principle" for gratification of the instincts.¹⁾

But the id can only imagine and think objects of gratification. It can do nothing to bring them about.²⁾ Therefore the "ego" comes into existence early in life for the purpose of serving the id. It operates by the "reality principle". The ego's task is to think, plan, protect itself and the id. It is an executive agent, which mediates between the instincts on the one hand and the outer world and the superego on the other. The ego's function is to satisfy the id as much as possible and at the same time to account for the resistance of the outer world and the demands of the superego. Yet the task gets more and more difficult as socialization continues, since the demands of the superego steadily increase. The result is that more and more repressions of unrealizable desires occur. Repression however is not a neutral procedure; on the contrary, it often causes serious psychological damage. To avoid this, Freud demands that the oppression by the superego be more and more reduced, so that the scope of the ego can be enlarged in fulfilling the drives of the id. Although the injunctions of the superego are not necessarily altogether wrong, the fully mature man and woman make themselves

¹⁾ There is also an affectionate-social angle to sexuality besides the genital-physiological side. Yet affection and tenderness are for Freud "aim-inhibiting sexuality"; they are bred by repression and incest taboos (Cf. Abraham Maslow, *Motivation and Personality*. New York: Harper and Row, 1970, 191).

²⁾ This statement leaves out of consideration the reflex actions like sneeze, blink, eliminate, smile, which permit the id a limited possibility of direct gratification.

free from its leading-strings. The mature ego is only determined by the claims of the id and by the needs of a sensible coexistence with the outside world.

The primacy of the id and the complete submission of the ego to the service of the instincts "is undoubtedly the moot issue of Freudian doctrine. Many followers regret that Freud held this view; others reinterpret him; still others say he died before completing his 'ego psychology.' Many psychoanalysts today depart radically on this issue, and have established a neo-Freudian ego-psychology."¹⁾

Already early in the history of psychoanalysis Jung, a psychoanalyst as well, vigorously dissented from Freud²⁾ and came to quite different conclusions, also with regard to conscience. In a way similar to Freud, he calls the centre of the conscious part of the human psyche the "ego", which however has not quite the same function for him as for Freud. Through the ego man is aware of himself and has access to all those spiritual realities which can be called to consciousness.

A kind of superstructure of the ego is the "persona". It is an outer cover of man's personality, whose purpose is to hide the individual's true nature and at the same time to make a particular impression on the surrounding world. Jung compares it with the masks which actors wore in ancient times and which were called "persona" (Some parallel can be detected between Jung's persona and Freud's superego). Anyone who builds up too good a persona for himself, causes unconscious reactions, irritable moods, fears and weaknesses. Jung regards it as one of the first necessities on the road to personality to part from the persona and to be to the outside world what one is within.

The other part of the human psyche, the unconscious, is for Jung divided into a personal and a collective unconscious. Man's task is to come to terms with both. The personal unconscious is composed of all that is forgotten and repressed. The collective unconscious harbours basic creative urges and energies and racial

¹⁾ Gordon W. Allport, *Pattern and Growth in Personality* (New York: Holt, Rinehart and Winston, 1963), 148; cf. 145-150.

²⁾ "Admittedly, Freud himself gave cause for resistance to his theories. He had discovered sex as an active constituent of the soul in the unconscious and identified it with the Unconscious; he was blind to any further contents still awaiting exploration in the dark universe of the soul. He took the part for the whole and made it absolute". (J. Goldbrunner, *Individuation. A Study of the Depth Psychology of Carl Gustav Jung*. University of Notre Dame Press, 1964. 4).

memories, called “archetypes” by Jung. The archetypes are inherited, typical forms of outlook on life. They preserve the oldest experiences and thoughts of the human race. Such archetypes are the concepts of father and mother, husband and wife, community and nation, immortality and God, a meaningful order in nature, etc.

The confrontation first with the personal, then with the collective unconscious brings more and more a new centre of the human personality to the foreground, which emerges in the confines between the conscious and the unconscious: the “self”. The self appears on the scene like a secret counsellor and is an awareness of being part of a deeper and broader life. It is the place where ethical decisions are made. In the maturing process of the personality, the self gradually supersedes the ego in its function as centre of the human person. Jung characterizes it as a kind of final court of appeal, where originates “a feeling of what one ought to be and might be. To deviate from this presentiment means taking the wrong path, it is the way of error and disease.”¹⁾ Jung thinks that if the word conscience did not have such powerful religious associations, he would use this term. It would “describe this court of appeal excellently”²⁾ In other words, if abstraction be made from certain religious associations, the self can be defined as conscience.

The rejection of certain religious associations does not however hinder Jung from explaining that, as the new consciousness of the self deepens, it is experienced as an invisible central authority, as “God within us”. In the self, man experiences a unity of his whole nature and senses himself as part of an unknown and superior Self. “It is the consciousness of being a child of God.”³⁾

Allport regards it as a settled question that from the viewpoint of psychology conscience is a genuine sense of self-esteem and appropriate striving. “Indeed, we may safely say that, except for a few ‘psychopathic personalities,’ conscience is a normal development within every human being. It is an indicator — something like a fever thermometer — that tells us some activity on our part is disrupting or has disrupted, an important aspect of our self image,”⁴⁾

Viewed from *the philosophical and theological angle*, the sense of right and wrong in man must be considered as the necessary consequence of a divine plan for this world and of a pur-

1) Quoted by J. Goldbrunner, l. c., 130.

2) Ib. 130.

3) Ib. 145.

4) G. Allport, l. c. 134.

poseful world order, which not only strives to preserve its existence, but teleologically moves towards an always richer unfolding of all its potentialities and to higher consciousness. For neither the order and teleology of nature nor the divine plan can be realized without a sense in man informing him about the place falling to his lot in the order of creation and the role he has to fulfil in it. Therefore the sense of right and wrong, which is conscience, cannot be regarded as the artificial product of a person's environment, which Nietzsche and Freud want it to be. It has its origin in a world order of teleological character and in God, who wishes man to be his efficient cooperator.

Besides, a satisfactory answer must also be given to the question according to which principles the rules of moral and social conduct develop, which communities impose upon their members from childhood on. Are these rules simply arbitrary, tyrannical inventions, or are they not rather the outcome of secular experience based upon the needs of the community, whose orderly existence must be safeguarded and whose development must be fostered? And if these rules are in the service of the preservation and growth of the community, it is further to be clarified whence the members of the community know the kind of growth and progress they should aim at. The ultimate answer is that they know it by their conscience, which alone gives everybody the necessary, usually intuitive insight into the goals of nature and into the plan of God with the world.

True, this much must be conceded to Nietzsche and Freud, that norms of moral and social conduct can also be at times the result of the pressure of those in power and of erroneous conclusions by the community. But the generally most meaningful order in the world and in society proves that the outrages upon conscience and its errors are deplorable deviations, but by no means constitute the essence of conscience. The inner experience man has of himself and the great judiciousness of so many civil and moral laws speak another language. If there is nonetheless so much failure and evil in the world, then men know quite well that this is all too often because the insights and judgements of conscience have been disregarded.

2. Development and formation of conscience

A distinction must be made between the evolving conscience in childhood, which is predominantly an authoritarian conscience or a "must-conscience", and the mature, adult form of conscience,

which can be qualified as an "ought-conscience".¹⁾ It is of greatest importance that on the way to adulthood the authoritarian must-conscience of the child develops into the personal ought-conscience of the grown-up, mature person.

Some authors speak of superego instead of must-conscience. However this terminology is more readily exposed to misunderstanding, since for Freud, who introduced the term superego, this is essentially an oppressive, unauthentic superstructure of the human psyche, whereas the must-conscience is a necessary and therefore genuine stage in the development of the person. Those who adopt the term superego accordingly expressly caution that "the role of the superego in the life of an infant is quite meaningful and necessary."²⁾

In the view of many psychologists, the must-conscience of the child evolves out of parental commands, restrictions and prohibitions. Some form of punishment often accompanies these commands. The child of course does not know why he must or must not do certain things. He complies with the orders because they are prescribed by his parents. He spontaneously submits to their competence and knowledge, and he must also fear their punishment if he disobeys. Although initially submission is rendered only as far as the parents' control reaches, the child gradually "interiorizes" the external voice of authority, and follows their orders and norms even when he is alone.

More recently however greater attention is also given to the rule of imitation and identification in the formation of the child's value patterns and ideals. Imitation and identification play a role in the development of conscience which is at least equal to that of commands and prohibitions, if not superior to them.³⁾

Thus the early stage of conscience is formed, which is due to the internalization of parental and social rules and ideals. Inasmuch as these rules are in harmony with the child's true nature,

1) Cf. G. Allport, l. c. 134.

2) John W. Glaser, "Conscience and Superego: A Key Distinction", in *Conscience: theological and psychological perspectives*, ed. by C. Ellis Nelson (New York: Newmann Press, 1973), 174. In the same way Louis Monden writes: It would "be a fatal mistake to try, as it were, to skip the superego stage in the formation of the young conscience. The superego is necessary; the child cannot do without it. However, it depends to a great extent on the parents whether, in relation to the later development of conscience, that superego will be a permanent prison or the protecting shell which opens at the right moment" (*Sin, Liberty and Law*. London: G. Chapman, 1966, 121).

3) Robert Sears et alii, "How Conscience is Formed" in *Conscience*, ed. by C. Ellis Nelson, l. c., 298-305.

they contribute substantially to the formation of an authentic conscience. But if they disregard the child's real constitution, they give rise to kinds of "superegos" and "personas" which do violence to and suppress the true personality.

As the child grows older and progresses towards adulthood, the must-conscience is to give way to the mature ought-conscience.¹⁾ The ought-conscience is no longer primarily sustained by fear of punishment and external imitation. Rather it originates from the conviction of the inner value of the moral obligation, from the inner law of man's nature and the divine calling as spelled out in that centre of the human person which is his true self. Emphasis has shifted from imitation and parental and social control to personal responsibility. There remain many "musts" in adulthood, but they spring now from a sense of duty to build and not to tear down one's personality and from a sense of responsibility for the common good and for the kingdom of the Lord.

Fundamentally there can be no opposition between an adult conscience and the "musts" of moral law. (The must-conscience to the largest extent reflects the moral law of the community.) For the aim of the law is to express and clarify what one ought to be by one's human abilities and the divine calling. "Hence in principle the adult person will acknowledge and welcome in the law the imperative of his own striving towards human and Christian adulthood, even though he may be clearly aware of the imperfections in its formulation and thus of the corrections he must introduce into it. To be in principle hostile and opposed to every law may safely be considered an infallible sign of immaturity."²⁾ Ideal spiritual adulthood of the conscience would consist in this: that the compass of love would point the direction so unfalteringly that constraint by the external law would no longer be needed.

Yet the transition from the must-conscience to the adult ought-conscience is not always successfully effected. Physical, intellectual and moral adulthood do not necessarily go together. One person succeeds in forming a personal conscience. The precepts and values he has learned from others he is able to incorporate as part of his own inner attitude and conviction. To the outsider, a person whose conscience is thus self-reliant will create

¹⁾ According to Jean Piaget the transition from the "heteronomous" to the "autonomous" conscience occurs at about seven years of age in normal children. (Cf. Dorothea McCarthy, "Development of the Normal Conscience", in *Conscience: its freedom and limitation*, ed. by W.C. Bier. New York: Fordham Univ. Press, 1971, 46).

²⁾ Louis Monden, *Sin, Liberty and Law*, I. c. 102.

the impression that his moral and religious life comes straight from the heart and has its roots in a harmonized personality. His relationships with his fellowmen are not blocked by a mechanical application of principles and regulations.

But it is very different with people whose consciences remain authoritarian and do not reach maturity. Their moral behaviour easily appears forced, a matter of principle with little warmth of feeling. For them the demands of conscience remain a foreign body, external or even in opposition to the true, inner self. It is by no means necessary that they should experience conscience as a foreign body, because from childhood on the moral demands of the social environment have been absorbed and interiorized. Yet ultimately these people do not live from the depth of their soul but do what others expect from them.¹⁾

There are many stages possible on the transition from authoritarian to mature conscience. Perfect maturity of conscience, such as realized by those saints who were only ruled by St. Augustine's principle "Love and do as you will", is certainly rare and cannot be considered the situation of the average Christian. It makes part of authentic adulthood to acknowledge humbly what has remained infantile in ourselves and how far short our own spiritual stature falls of the full adult stature of Christ. This will make a person all the more ready to listen with gratitude to what the law can provide as a correction of his own views and as a safeguard against the deforming influence of his drives and prejudices. Such acceptance of the law is not immature submission proceeding from fear and external constraint, but is approval resulting from the insight into one's own limitations and from the knowledge that the moral laws are fruits of the experience and common work of many generations. However once a person has sufficiently formed his conscience by attending to the law of nature and of grace, by purifying his intention and gathering solid information, there comes a moment when he must be able to rely on his own conscience, because no more legality can sufficiently answer God's personal call and invitation.²⁾

¹⁾ For the characterization of the developed and undeveloped adult conscience cf. R. Egenter and P. Matussek, *Faith, Freedom and Conscience* (Dublin: Gill and Son, 1967, 118f; compare pp. 91 and 115).

²⁾ Cf. L. Monden, l. c. 103f.

B. The binding force of conscience

I. The certain conscience

1. A certain conscience must always be obeyed when it commands or forbids. It may always be followed when it permits something.

Paul states that "whatever does not proceed from faith is sin" (Rom 14:23). According to the context, he means to say that every action which is not performed with the certain conviction of its rightfulness is sin.

The reason for the principle is that conscience is that appropriate faculty of man which tells him what his moral duties are. As has been shown above, conscience is the competent and necessary guide with which man has been equipped to know his destination and moral obligation. It is only through its mediation that everybody gains the necessary insight into the laws he is to respect in the order of creation and the tasks he is to fulfil in the service of God's plan for the world. Therefore to disobey this faculty is to disobey the moral order, is to disobey the will of God, and this is sin.

2. The certainty required for the judgements of conscience generally need not be a strict moral certainty, but a wide moral certainty is sufficient.

Strict moral certainty excludes any reasonable fear of error. Strict moral certainties are the assumptions that Catholic priests or Anglican ministers baptize validly, that the apostles Peter and Paul have died in Rome, that people will not kill arbitrarily; the opposites would contradict the normal behaviour of rational beings and the assured rules of historical verification. Wide moral certainty is accompanied by a slight yet negligible fear of error, because the possibility of error is of little probability. The assumptions that physicians will act responsibly and with competence or that drivers will respect the basic traffic rules are wide moral certainties. Wide moral certainty is equally the supposition that an action cannot be pernicious and can therefore lawfully be performed if several competent moral theologians regard it as licit, although others are of a different opinion. The wide moral certainty could also be characterized as a very high probability. It has also been termed "prudential certainty".

Wide moral certainty is sufficient for licit operation in the general conditions of life, because frequently only this certainty can be obtained. Always to require strict moral certainty for lawful

action would burden life with many anxieties and render it intolerable. God does not command the impossible.

Only in a few cases is wide moral certainty insufficient, namely, where a value is so great that not even a slight risk can be taken to damage it; e.g. when the recovery of a leading personality is of great importance for the common good, or when the valid administration of a sacrament is the necessary means to obtain sanctifying grace.

3. The invincibly erroneous conscience must be followed just the same as a certain conscience which is right.¹⁾

Therefore he who lies to help a neighbour out of a difficulty, convinced that to do so is an act of charity, actually does perform a laudable act of fraternal charity; and should he act contrary to his erroneous conscience he would sin. On the other hand, whoever thinks that it is a sin to say "oh hell" and nevertheless says it sins, although, as a matter of fact, the expression is not sinful in itself.

Paul's statement that "whatever does not proceed from faith is sin" actually refers to an erroneous conscience. In the Roman community there were some Christians who believed that the use of meat and wine generally was forbidden (Rom 14:2-21). Paul asserts that those who judge that for Christians no food is "unclean" were right. But the food "is unclean for any one who thinks it unclean" (Rom 14:14), and such a man "is condemned, if he eats, because he does not act from faith" (Rom 14:23). In 1 Corinthians 8, Paul examines a similar problem. It concerns the meat from pagan sacrifices which was offered for sale in the public markets. Although the right knowledge is that there are no "gods" and hence that there is nothing against eating meat from such fallacious sacrifices, nevertheless those who think such meat forbidden would sin if they ate it. "Their conscience, being weak, is defiled" (1 Cor. 8:7). The ultimate and decisive measure of morality is therefore, according to Paul's clear teaching, one's subjective conscience, even if it judges wrongly. A confirmation of this doctrine can be found in the words of Christ, which he addressed to the Pharisees: "If you were blind, you would have no guilt" (Jn 9:41), i.e., if the Pharisees were unable to detect their errors concerning the person of Jesus, they would be excused from sin; but as a matter of fact, their conscience is not invincibly but vincibly

¹⁾ Catholic moral theology has not always held this principle with the same clarity and firmness of conviction as now. Very informative insights into the history of this doctrine in Catholic tradition are offered by Karl Golser, *Gewissen und objektive Sittenordnung* (Wiener Domverlag, 1975), 37-77.

erroneous, and therefore they are responsible for their wrongdoing.

The inner reason for the axiom is that a certain conscience, even if it erroneously proposes something as good or bad, proposes it as one's moral obligation and as the will of God. To disobey this certain, though erroneous judgement of conscience would mean to disobey what is subjectively believed as one's moral duty and God's will; therefore it would signify sin.

Were man not entitled and bound to follow the certain judgements of his conscience on the ground that it can sometimes err, he would be handed over to complete lawlessness without the possibility of any trustworthy decision. On the other hand, by submitting to his certain conscience he acts in a way which enables him, in spite of occasional errors, best to realize what is good and to avoid what is evil. Although there is a risk of objectively wrong decisions, it is remote; while it is proximate if the judgements of conscience are simply disregarded under the pretext of the wrong generalization that conscience is unreliable.

The possibility of erroneous judgements of conscience should however make man cautious in his decisions and open to the advice of others. Yet after having done what is in one's power to come to the correct decision, one has the right and duty to follow one's conscience also in instances of invincible ignorance. This does not exclude that it may be necessary occasionally for society to intervene in certain acts resulting from an erroneous conscience of its subjects in order to prevent evil consequences.

As far as the erroneous conscience of others is concerned, we have to respect their honest convictions. Yet if the error is in some regard detrimental, as is mostly the case, it will be certainly a work of charity to find a way of removing it.

Note that the unavoidable cannot be sinful, even though one falsely believes it is to be a sin. Thus a prisoner who cannot attend Mass on Sunday does not sin, even though he thinks he has sinned gravely.

II. The vincibly erroneous and lax conscience

The vincibly erroneous conscience cannot be followed as a legitimate rule of action. Conscience is vincibly erroneous if it dawns on man that his moral outlook might not be entirely sound or if he is aware of being careless and irresponsible in his decisions. Thus a physician may have examined a poor patient only hastily with the result that he is not able to make a responsible diagnosis.

With such a state of mind a person is not allowed to act or to appease himself, because he would voluntarily expose himself to the danger of committing error and sin.

Before a person with a vincibly erroneous conscience can act, he must first remove his doubtful state by searching after the truth. If he is not able to do so for the moment, he must postpone the action, or he must follow the safer line of action. For a driver who doubts whether he may still drink another glass of wine, the safer line of action is to abstain from a further glass; for somebody who doubts whether he is obliged to go to Mass or not, the safer line of action is to go to Mass.

Associated with the acts which arise from vincible error are those which proceed from a lax conscience. The lax conscience is inclined, on insufficient grounds, to judge a thing to be lawful which is sinful, or something to be a venial sin which is actually a grave sin. In a light-minded and sometimes frivolous way the lax conscience does not face up to the gravity of the moral obligation. A businessman, for example, may regard the defraudation of huge tax amounts as a light matter only and some cheating in the quality of his goods as normal, lawful business practice. A special variety of the lax conscience is the pharisaic conscience, which attaches great importance to small things and makes light of serious matters.¹⁾

A person who is of lax conscience has the general and grave obligation to reform this state of mind, since it exposes him to the danger of sin and since it must, as a rule, be considered as vincibly erroneous. He must pay much more attention to doubts that occur to him than others need do, and he may not readily disregard them as mere scruples. But if it happens that such a person is unaware of his state of conscience and does not recognize, even in a general way, the malice of an action or his duty to make further investigation, his conscience must be regarded as invincibly erroneous and he would be excused from sin in this particular case.

A lax conscience is usually the result of grave lukewarmness in the service of God, as depicted in the book of Revelation 3:15-

¹⁾ To the category of the pharisaic conscience belongs the "bourgeois ethic", described by George V. Lobo. It is characterized by "an inbuilt inhibition against hurting others at close quarters, but little against causing terrible misery like starvation or death of thousands through speculation at the stock exchange, manipulating prices, etc. Such people are shocked at a murder committed in the neighbourhood but are callous at the mass killings of thousands of people through a bomb dropped from a big height or in remote areas." It is "concerned about the right of a few to the utter neglect of the rights of innumerable others who are thought to be of little significance" (*Christian Living According to Vatican II. Moral Theology Today*. Bangalore, India: Theol. Publ. in India, 1980, 167f).

20. Christ counsels the lax members of his Church to buy from him the remedies for their lukewarmness. These remedies are a re-vitalization of religious life and faith in God, the probing of conscience and repentance in confession, and zeal in doing good works. God himself announces his visitations as remedy.

The antithesis to lax conscience is the tender conscience or the delicate conscience, which is characterized by a clear and vigilant discernment of the good.

III. The perplexed conscience

The perplexed conscience is a type of erroneous conscience which, confronted with two alternative precepts, fears sin in whatever choice it makes. A widowed mother, who has received many benefits from a friendly family whose father has committed a crime of which she was a witness, will easily find herself in the conflict between the obligation of gratitude to her benefactor and the obligation to tell the truth in court, where she is cited as a witness.

In such instances, if the decision can be delayed, one must first postpone the action in order to obtain information and deliberate on it. But if the decision cannot be postponed, one must choose what appears to be the lesser evil or — if this is impossible to settle — either of the alternatives. The observance of these norms presupposed, there is no question of formal sin, since it is impossible for the person to escape both alternatives of the perplexing situation together. Impossibility and lack of freedom however preclude sin.

A further guide for such instances is the rule that precepts of natural law ordinarily precede precepts of positive, ecclesiastical and civil law, supposing that the moral gravity of the conflicting precepts is approximately the same. Hence if a nurse feels obliged by precept of the Church to go to Sunday Mass and bound by charity to stay with a critically sick patient, the obligation of charity should be preferred to the obligation of the positive precept. Furthermore precepts which are certain prevail over those which are merely probable or doubtful.

The perplexed conscience is classified as a type of erroneous conscience, because objectively only one of the two conflicting obligations can be binding. It would contradict justice and the wisdom of God if man were confronted with two equally binding obligations, of which after all he can fulfil only one.

Such conflicts more readily occur in individuals who are less acquainted with the moral norms. However this does not preclude

the possibility that even the experts and an entire community may for some time be in a state of perplexity as to the prevailing obligation in a particular conflict of duties or rights. The commentaries of the Catholic bishops' conferences on the encyclical "*Humanae Vitae*" concerning the artificial means of birth control can serve as an illustration.¹⁾

IV. The scrupulous conscience

Scrupulosity is the persistent, gnawing, unreasonable fear that one has offended God or is about to do so. The scrupulous person is in constant dread of sin where there is none, or of mortal sin where there is only venial sin. The roots of this state of doubt and fear are not primarily of rational character; they are above all to be sought in disturbed emotions. Vaguely the penitent himself feels that his doubts are futile and should be despised; but he is unable to escape them. Therefore scrupulosity is less an erroneous than a sick conscience.

The scrupulous person often suffers much from his illness, and for the confessor he is usually a difficult, if not vexing penitent. Fortunately the problem has lost much of its urgency today. Together with the elimination of legalism in moral and ascetic theology in recent decades, the instances of scrupulosity have become much rarer.

a) Three different types of scrupulosity

1. Scrupulosity due to temporary crises. There are certain critical periods or events in life which can raise temporary, emotional unrest and exaggerated fears of conscience. Brief attacks of scruples are often noted in puberty, in early stages of love, in a religious or vocational crisis, in the period of the menopause. Depressing worries of a prolonged illness or overwhelming self-blame at the death of a loved one may provoke acute anxieties of conscience.

These temporary crises may be characterized as times of conversion and spiritual deepening. The new period of life which comes up, or the stirring event, are challenges to re-evaluate one's relations to God and to creatures and to gain a new depth of responsibility and spiritual life. The soul is shaken in this confrontation and the previous, naive, perhaps superficial sense of spiri-

¹⁾ Cf. "Echo on *Humanae Vitae* and interpretations", *Christian Ethics*, vol. II, part II, chapter IV.

tual security is temporarily lost. This state of scrupulosity lasts only for a time, and gradually melts away as the reorientation of life is effected and the new depth of conscience gained.

2. Compensatory scrupulosity. This is a disquieted unrest of conscience which conceals a fundamental lack of generosity in the spiritual life.¹⁾ The bothersome preoccupation with small and quite innocent details of morality is intended to divert attention from the unwillingness to live up to one's true vocation. A penitent with these "tepidity scruples" tries to obtain from the confessor the assurance that he has not really offended against his moral duties, which is true with regard to the defects confessed, but not with regard to the deeper lack of faithfulness. Therefore, in spite of the priest's possible approval, the penitent's deeper self will not be at peace. The more insincere his attitude, the more painful and harsh his unrest will become. On the other hand, the scruples which are intended to divert attention also exert a corresponding pressure to come to terms with one's true obligation.

The treatment of this type of scrupulosity must bring to consciousness the secret lack of generosity by an understanding, patient, sincere conversation with a priest or counsellor. The troubled person must realize that his unrest is an invitation to a real change of heart and to a more faithful answer to the call of divine grace.

3. Obsessive-compulsive scrupulosity. This is the severest form of scrupulosity, and for some authors the only one which deserves the name of scrupulosity in the true sense. Obsessive-compulsive scrupulosity is a psychic disease. The illness consists in a disturbance and inhibition of psychic development, resulting from a person's inability to integrate certain basic drives and values of life into the structure of his personality. The integration is obstructed by unconscious factors built up in early childhood, and the scruples are the external symptoms of this psychic atrophy and malady.

There are different varieties of this type of scrupulosity. In some instances it is characterized by a general anxiety of the afflicted person that he could sin or actually has sinned in all kinds of actions. In other instances the anxiety is fixed to certain areas

¹⁾ Adrian van Kaam speaks of "life-guilt". This guilt does not refer to one or the other incidental transgression. It results from a basic refusal to respond to one's personal call. Accordingly it is vague and undefined (*The Vowed Life*. Denville, N.J.: Dimension Books, 1968, 124f). It may manifest itself in tepidity scruples, but it can also seek escape in other forms of distraction, e.g. in restless, dissipating activities, even of charitable nature.

(e.g. to matters concerning faith, chastity, responsibility for others, the external practices of religious life like prayer, fast and abstinence). Psychologists search the sources of this malady mainly in a unilateral or over-rigorous or inconsistent moral and spiritual education (in which also a too rigorous moral and ascetical instruction by Churches and religions can play a part).

A too rigorous, unilateral education forces the child to suppress basic drives and aspirations, which however always seek fulfilment. The result is that a person educated in this way feels frightened and threatened by the demands of his drives, because they contradict the norms according to which he is supposed to live. As a reaction, the scrupulous person overcompensates in an opposite direction and protects himself against his instinctual impulses by fleeing, denying or fighting them.

Furthermore the scrupulous person is troubled by a sort of perpetual guilt complex about his passions and urges which he cannot manage to live with in peace. Therefore he is subtly propelled to "expiate" or "make reparation for" these instincts he sees as evil and harmful. This explains why he feels a constant need to confess and engages in detailed and repetitious recitations of his "sins".

Finally a vexing stubbornness is usually part of the scrupulous personality. The explanation is probably to a great extent the penitent's impression that the good advice of his counsellors is not of any help to him. He perhaps fears that observance of the advice will threaten the delicate balance established between his unsatisfied inner urges and the external protective automatisms. And he does not feel able to tackle a collapse of this balance.

b) Counselling the scrupulous¹⁾

The following considerations concern the severe type of obsessive-compulsive scrupulosity, although some of the rules may occasionally be of help in the treatment of the other two forms of scrupulous conscience, too.

Often it is advisable to refer the afflicted person to a psychiatrist. The more advanced the malady is the more the consultation of a psychiatrist is needed. Frequently however psychiatric help is not available or feasible. In such cases the priest can try, with some adjusting modifications, the supportive kind of help which the more traditional methods have advocated. This presupposes of

¹⁾ Cf. the very good and helpful treatment of scrupulosity in G. Hagmaier/R. Gleason, *Counselling the Catholic*. (New York: Sheed and Ward, 1964), 145-173

course that the priest be able and the penitent willing to continue in a counselling relationship over a period of time. The counselling, in most cases, should be done outside the confessional and be separated from confession itself. Further the priest must have a sufficiently clear idea of the nature of scrupulosity. He must see in the scrupulous penitent a sick person and not undermine mutual confidence by labelling the penitent's difficulties superficially as pride and wilful obstinacy.

The traditional manuals demand that the scrupulous person render strict obedience to his spiritual director. Such obedience is regarded as the indispensable condition for successful guidance and as the only hope for recovery. G. Hagmaier however objects against the postulate of blind obedience. He argues that the scrupulous are hampered precisely by an unreasonable dependency upon the judgement of others. Quite on the contrary, therefore, they must be led to the development of an autonomous judgement.¹⁾

Some distinctions seem to be in order. It is correct that the scrupulous person is unconsciously dependent on the behaviour patterns of his childhood. But it is not equally true that he shows submissive dependence on those with whom he lives in his present state. His notorious, inflexible stubbornness gives evidence of the contrary. The demand of strict obedience is actually intended to break the dependence on the wrong behaviour patterns of the past by training the penitent in other, correct ways of acting. Furthermore the frequent inability of the scrupulous person to decide for himself at all makes it necessary to help him in the formation of workable decisions at least in those instances in which resolution is morally necessary, e.g. where the efficiency of his work is in question. In cases however in which nothing or not much is at stake, no matter whether he acts or abstains from action, he may be left to the effort (and to the pain) of making his own choice, e.g. with regard to reception of Holy Communion. The priest can tell the penitent that he is always allowed to go to Communion, but leave it to him when he will in fact go.

An effectual pastoral guidance of the scrupulous person will probably not be possible without a certain amount of definite obedience. The pastor will make the penitent understand that submission to authority in state and Church is God's unequivocal will, resulting from the social nature of man, and this all the more where the subject's judgement is deficient. Since the penitent's judgement is impaired by his psychic conflicts, he is — according to God's will

¹⁾ L. c. 170f.

— to obey his spiritual director. As long as he obeys, sin is excluded for the penitent, even if in some case the spiritual director should order what is less correct. Theologians agree that this involves no guilt whatsoever for the penitent.

Some general rules of action for the scrupulous are the following: The scrupulous person may do anything he sees upright people do, even though it be against his convictions. — Actions which he begins without evidence of committing sin are never to be interrupted because of doubts concerning their honesty, which may arise while he is acting. — He must not examine his conscience about actions which he has performed notwithstanding a certain anxiety. Whatever a scrupulous person does in such a disposition he does according to the judgement of true conscience. — He must not repeat actions when he doubts whether he has performed them well (e.g. prayers, the breviary, the words of consecration, acts of contrition, etc.). — By reason of the great difficulties he has, he may be excused from many positive laws, e.g. from the Eucharistic fast, the recitation of the breviary, the integrity of confession, or fraternal correction. — According to H. Jone, the scrupulous person may even do anything which he does not know for certain to be a grave sin.¹⁾

Note that the spiritual director must give his rules with firmness and he must not be hesitant as to their unconditional validity. He should not give rules whose unreserved validity he is not convinced of, and he must be on guard to avoid even the slightest appearance of contradiction. Furthermore, to guarantee uniformity of guidance and to avoid different guidelines being given by different counsellors, the scrupulous person ought not to discuss his difficulties with other priests or any other person. If other priests or counsellors are approached by him, they ought to encourage him to abide by the guidelines given by his regular counsellor and

¹⁾ H. Jone, *Moral Theology*, 1963, no. 91. As for confessions in particulars, the following guidelines apply to the direction of the scrupulous penitent: He should not be allowed to make frequent general confessions. — He need not confess sins committed before his last confession unless he can swear that he certainly sinned gravely, and that he certainly has not yet confessed the sin. — He is forbidden to examine himself after confession about the integrity of his accusation, about his contrition or the proposal or amendment. — In more severe cases the frequency of confession must be reduced. He will be ordered to limit his examination of conscience to five minutes; or he will even be forbidden to examine his conscience at all. He may be ordered to make only a general accusation. In extreme cases, confession may completely be forbidden to him until an improvement of his condition is reached. — If the scruples extend to the performance of the penance, the priest ought in principle to impose small penances only. In severe cases he will pray the penance together with the penitent.

refrain from giving him additional ones.

Lastly, the scrupulous person must be led away from his constant rumination and introspection and brought to an active, responsible engagement in life. Contemplation of self will only increase his malady and lessen his ability for efficient work. He ought to go outside himself by setting about some satisfactory, demanding task in the service of the kingdom of God and the needs of fellowmen, in cultural and social life.

If troubled by compulsive thoughts, e.g. blasphemous thoughts or worries whether he has sinned, he should not engage in the vain effort to forbid, to disprove, or to discuss them, but simply disregard them by tackling some good occupation which diverts his mind. Eventually, even in his confusing illness, he must strive to harken to the call of his real inner self and the summons of God's Holy Spirit with an effort towards faithful readiness and genuine responsibility.

V. The doubtful conscience

Conscience is doubtful if it is in a state of uncertainty as to the lawfulness or obligation of an action, whether conscience suspends its judgements or whether it inclines to one side, but with the fear that the contrary might equally be true.

The doubt may either concern the existence of a law and moral principle (*dubium iuris*) or the existence of a fact (*dubium facti*). The question whether therapeutic abortion is lawful is a doubt concerning a principle, whilst the question whether the growth in the uterus of a sick woman is a tumour or a child is a doubt concerning the existence of a fact.

Another distinction is that between speculative and practical doubt. The former is concerned with the theoretical truth of an ethical doctrine (e.g. whether the killing of a tyrant may sometimes be lawful); the latter deals with the lawfulness of an action to be performed here and now (e.g. whether it is lawful to kill this particular tyrant here and now).

Norms for action with doubtful conscience

The basic principle reads: In a practical doubt about the lawfulness of an action one may never act. The reason is that by acting with a doubtful conscience, a person would expose himself to the danger of injustice and sin, and that itself is injustice and sin. Therefore a hunter, who doubts whether what he is aiming at is an

animal or a man, is guilty of homicide if he kills, even though it turns out that he slew an animal.

Action in instances of a doubtful conscience is regulated by the following rules: The action must be postponed until certainty can be reached. Practical certainty can be gained *directly* by solving the doubt through reflection on the case in the light of general principles, through consultation of experts and pertinent books, etc. The effort one is obliged to make in order to acquire certainty is to be measured by the importance of the values which are to be safeguarded. "Prudence forbids us to devote excessive attention and research to trivial matters because this would rob us of the spirit of joy in doing good and, most of all, because it would greatly hamper the fulfillment of more urgent and more important duties."¹⁾

If the doubt cannot be solved directly — but only then — one may attempt to gain practical certainty *indirectly* by the application of the so-called reflex principles. These do not solve the theoretical doubt about the existence of a law, right or fact (e.g. whether a religious superior has the right to forbid participation in a certain gathering); but certainty is obtained as to what one may or must do here and now (e.g. in a doubtful situation, the superior has the right to enforce obedience and the subjects have the obligation to obey, since in doubt presumption favours the superior). The reflex principles will be dealt with in detail in the next section.

If there is no time or possibility to solve the doubt, one must opt for the safer alternative, that is, one must favour the alternative which excludes the danger of sin and injustice most certainly. Hence if somebody doubts whether a certain movie is pornographic and whether he may see it, he may not see it. If no safer side can be discerned, the situation amounts to a perplexed conscience, and the person may choose whatever alternative seems best to him. But it must be stressed that this rule only holds good if all the other rules fail and cannot be applied.

C. Formation of a certain conscience by means of reflex principles and preference rules

I. Nature and varieties of reflex principles

Reflex principles are rules of prudence which do not solve a doubt concerning the existence of a law, moral principle or fact by intrinsic or extrinsic evidence, but only indicate as to where, in

¹⁾ B. Häring, *The Law of Christ*, vol. I, 1966, 172.

cases of unsolvable doubt, the greater right is usually to be found and the lesser evil to be feared, and which side therefore is to be favoured as long as the doubt persists. The principles are gained by inference from the common circumstances of such cases and the ordinary happenings of life, from general experience and observation. In default of actual evidence, the reflex principles give subsidiary solutions, which will not in all instances do justice to the parties concerned, but which at least guarantee that in the majority of cases injustice is avoided and the rights of those concerned are safeguarded best. If, e.g., in a court case two parties claim the same estate, the safest solution would be had if one side were able to procure intrinsic evidence of his ownership by submitting unequivocal documents. But if no party is able to do so, the lawsuit will often be settled by application of the rule of prudence: in doubt, the condition of the possessor is the better. This principle will not always do justice to the party which is not in possession; and the arbitration therefore remains subsidiary. But according to common experience, the solution of the doubt thus gained is the right one more often than not.

The most comprehensive of the reflex principles, to which all the others can be reduced, is the rule: In doubt, we must stand on that side where presumption stands. Presumption is understood as a conjecture as to where in cases of doubt the greater right commonly lies and the lesser injustice is to be feared. This side is supposed to be within his rights until the truth of the contrary is proved.

The other reflex principles specify more in detail where in doubt presumption stands. They are the following:

1. In doubt, the condition of the possessor is the better.
2. In doubt, favour the accused; or (which comes to the same): crime is not to be presumed, but to be proved.
3. In doubt, presumption stands on the side of the superior.
4. In doubt, stand for the validity of the act (e.g. the validity of the matrimonial bond, cf. CIC 1060, or the validity of an examination or an appointment to an office; however doubtful contracts are usually not upheld by civil law).
5. In doubt, amplify the favourable, restrict the unfavourable.
6. In doubt, presumption stands for the usual and the ordinary (or: follow daily and ordinary experience).

7. In doubt, favour the customary and hitherto approved.¹⁾
8. A doubtful law does not oblige ("lex dubia non obligat"); i.e. presumption stands for liberty.

With regard to the last principle, "a doubtful law does not oblige", it must be noted that this principle can be applied only in instances of common doubt, i.e. when the law is doubtful among the very experts. If an undisputed law is solely doubtful to a particular person in a particular case, then such a doubt must be dealt with like a doubtful fact; e.g. if a man doubts whether it is lawful to help his friend in stealing some articles from a car repair shop. To instances of doubtful facts the following rules apply:

- I. If there is a risk of serious spiritual or temporal harm (be it to oneself, to another person or to a community), which one is obliged to avoid by an indubitable law, the safer alternative must be chosen.

Therefore one may not enjoy even the rare pleasure of narcotics like heroin because of the great and immediate peril of addiction with all its ruinous effects. A physician may not use remedies whose effectiveness is doubtful, if certainly effective remedies are available. In administering the sacraments, one must decide in favour of the opinion that safeguards the validity of the sacrament with certainty, and one may not use a doubtful matter or form except for emergency cases.

- II. If there is only question of the honesty of an action, where no risk of serious spiritual or temporal harm is involved, it is probable that one is not bound to opt for the safer alternative.

Therefore if one doubts whether there is a sacred holyday with the obligation to go to Mass, whether one has said the breviary, whether a watch offered for sale is smuggled, one is not obliged to follow the safer way and to attend a Mass or make indubitably sure that the breviary is said or the watch not smuggled. In these instances the doubtful fact is reduced to a doubtful law, because it is probable that one is not obliged to the safer alternative in such things. A doubtful law however does not bind.

¹⁾ In today's critical re-examination of the moral rules, precisely some of those theologians who are most actively engaged in this revision have arrived at this rule: "To depart from customary and hitherto moral action, without the support of weighty reasons, is irresponsible" (J. Gründel, *Normen im Wandel*. München: Don Bosco Verlag, 1980, 122). Likewise B. Schüller in *Christlich glauben und handeln*, ed. by Klaus Demmer and Bruno Schüller (Düsseldorf: Patmos, 1977), 282.

II. The controversy on the use of probability: the “moral systems”

The side where presumption stands is usually to be favoured as long as the contrary is not proved. A man is presumed to be innocent as long as it is not certainly proved that he has committed a crime. The condition of the possessor is the better as long as there is no certain proof for the right of the contesting other side.

Yet especially concerning the principle “a doubtful law does not oblige” a controversy exists whether liberty can always be favoured as long as the law is not morally certain, or whether reservations are called for and liberty can only be favoured when its side is more probable or at least equally probable compared with the case for the obligation of the law. This controversy led to the so-called “moral systems” of rigorism, probabiliorism, aequiprobabilism, probabilism and laxism, which caused many passionate altercations among moral theologians in the past, especially during the 17th and 18th century. It has cost the moral theologians much effort and thinking.

An example will help to characterize the five systems briefly. In 1917 the Holy Office gave the response that Catholics may not attend spiritistic seances even as mere spectators (DS 3642). However since then new insights in the nature of spiritistic phenomena have been gained, which incline some theologians to a more generous attitude in this matter. Could therefore today a Catholic possibly attend a spiritistic seance as a mere spectator? The various moral systems would judge the matter in the following ways. Rigorism would contend that even if 80-90% of the theologians favour permission to attend a spiritistic seance, the old law still prevails and attendance remains forbidden. Probabiliorism would demand that the majority of the theologians must favour a permission, otherwise the prohibition remains in force. Aequiprobabilism would grant permission if at least 50% of the theologians were in its favour. For probabilism 30% would do. And for laxism even 2 contemporary theologians in favour of a permission would suffice to allow attendance. More in detail, the tenets and principles of the various systems are the following.

Rigorism or tutiorism maintains that, in doubt, the safer side, i.e. the side which favours the law, is always to be followed. Rigorism forbids following even the most probable of probable opinions against the law, a thesis which contradicts the principle that moral

certainty is sufficient for lawful action.¹⁾ The system would result in a stifling legalism and make life intolerable. It has been condemned by Pope Alexander VIII (DS 2303).

Equally condemned has been *laxism*, to which even a tenuous probability suffices for exemption from the obligation of the law.²⁾ Laxism has never been taught as a theoretical system, but has been followed only practically by certain moral theologians in their solutions of doubts. Laxism equally contradicts the principle that moral certainty is the basis for lawful action, though it does so from the other side of the extreme. It has been rejected by Pope Innocent XI (DS 2103). — Excluding these two extremes, we find three systems admitted in the Church:

1. *Probabiliorism*, which will depart from a safe view in favour of the law only for a more probable view in favour of liberty. It urges two reasons. First, where certainty cannot be had about a truth or principle, one must follow that opinion which most excludes the danger of error, that is, the more probable opinion. Second, in doubt one must opt, as far as this is humanly possible, for the safer side, i.e. for the side which is most likely to exclude sin; and that is the side of the law in cases where the opinion in favour of the law is more probable or equally probable. However if the opinion in favour of freedom is more probable, one may opt for this side, since the danger of sin is only slight and therefore negligible.

2. *Aequiprobabilism*, which allows abandoning the view in favour of the law when the view in favour of liberty is equally probable. It bases itself on the argument, also used by probabiliorism, as mentioned above, that in doubt one must follow the opinion which excludes the danger of error most. Therefore one must follow the more probable opinion, if there is one. If however the opinions in favour of the law and in favour of liberty are equally probable, one may choose whichever alternative one likes. The reason is that in such instances the danger of error is always equally great, whichever side one prefers.

1) Rigorist would be the tenet that a Catholic organist may never, not even occasionally, play the organ at the religious service of a Protestant church, on the grounds that this would conflict with his Catholic faith.

2) A laxist attitude is had if a priest celebrates the Holy Eucharist with rice cake on the grounds that one or the other theologian considers it possible that Christ's intention, when instituting this sacrament, was just to use the ordinary food of the people and not necessarily wheat bread.

Aequiprobabilism is the system associated with Alphonsus of Ligouri, who adopted it and gave it repute.¹⁾ However it is commonly held that he did not exactly teach the above system of "pure aequiprobabilism", but a qualified version of it. According to this version, the opinion in favour of the law can only be abandoned when an equally probable opinion in favour of liberty is "in possession". That is to say, in doubt concerning the existence of a law, one can follow the opinion equally probable in favour of liberty; but in doubt concerning the cessation of law, one is to follow the opinion equally probable in favour of the law. This distinction results from the application of the principle: in doubt, the condition of the possessor is the better. If a law has been in force until now, then the law is in possession; if there was no law until now, and the question arises whether one is bound by an obligation, liberty is in possession. Because of the great authority of Alphonsus of Ligouri, this version has been favoured by the great majority of the aequiprobabilists.

However recent historical research seems to show that the original intention of Alphonsus was rather a pure aequiprobabilism. It was more for external reasons that he had to modify his theory and draw closer to probabiliorism, because of a prevailing attitude of anti-probabilism in his time in Italy, not only among theologians but also among civil rulers. (1768, the Jesuits, who favoured probabilism, were expelled from the kingdom of Naples.)²⁾

Against the qualified version of aequiprobabilism, pure aequiprobabilism reasons that the danger of error in instances of equal probability is always equally great, whichever side is preferred, and that the principle of possession, though valid in matters of justice, is too doubtful if extended to such opponents as the moral realities of law and liberty. The principle of possession only expresses an experience gained in the field of justice, and can therefore only be applied to this field.

3. *Probabilism*, which holds that one may follow the opinion that favours liberty as long as it is well-founded, even though the

1) The system of aequiprobabilism first appeared in the writings of Christoph Rassler († 1723), professor at the university of Dillingen. From him it was adopted by Eusebius Amort († 1775), professor in the Bavarian convent of Polling. Amort in his turn influenced St. Alphonsus († 1787), who calls Amort "magister meus". (Cf. Louis Vereecke, *Storia della teologia morale moderna IV: Storia della teologia morale nel XVIII secolo*. Roma: Accademia Alfonsiana, 1975, mimeographed notes, 91f, 119f).

2) Cf. Louise Vereecke, l. c. 115-122.

contrary opinion be more probable. Probabilism bases itself on the following arguments. First, liberty is entirely "in possession" as opposed to legal obligation, because man's liberty precedes any formulated law. Therefore man has an indubitable, certain right to liberty, which can only be restricted by the obligation of an indubitable law. Second, the right to liberty is so high a good that it can only be limited by an even higher good. Yet the good effect of a doubtful law is of doubtful nature itself, which cannot be considered a higher good than the certain right to liberty. In consequence, man's rights are better safeguarded if in instances of doubtful laws he retains the liberty to make his choice in full independence. This does not mean that he excludes from his choice the means indicated by the law. He can still opt for them, but he is not exclusively bound to what the law proposes.

A doctrine is considered probable if it is supported by various scholars who are (1) known for their seriousness, (2) considered authorities in the field of research concerned, and (3) "probati", i.e. who are accepted as approved teachers within the Church.¹⁾ Commonly five or six authors of this nature are regarded as sufficient to establish a probable opinion.

It has been objected against probabilism that man is subject to the demands of natural law from the first moment of his existence. Accordingly man's subjection to the law is as early as his right to freedom. In answer to this, it must be pointed out that only the unwritten moral law is implanted in man's nature. Yet human formulations of the moral law and most particularly positive laws are posterior to man's freedom, and they may indeed offend against his freedom because of the imperfections which easily accompany human formulations.

Probabilism on its part, together with aequiprobabilism, objects against the assertion of probabiliorism that the opinion in favour of the law is always the safer one because it would exclude the danger of sin. To follow a law which is only probably just does not exclude the danger of material sin. The danger of formal sin, on the other hand, is excluded by no other justification than it is in the case of a probable opinion in favour of liberty: by reason of invincible ignorance. Thus the observance of the decree of the Holy Office, issued Dec. 14, 1898, which forbade Catholic sisters in the service of the sick to call a non-Catholic minister to a non-Catholic patient, even if the latter should ask for him, had become

¹⁾ Cf. Enrico Chiavacci, *Teologia morale I: Morale generale* (Assisi: Cittadella, 1979), 124f.

obsolete and in many instances unjust long before it was abolished by the "Directory for Ecumenical Matters" of May 14, 1967.¹⁾ In this case the rigorous observance of the old law certainly did not most exclude the danger of sin. The present directory not only obliges the Catholic staff in hospitals to call the non-Catholic minister if the patient should ask for him, but the personnel is obliged to advise ministers of other religious groups spontaneously and to afford them every facility.

As to the argument, used both by probabiliorism and aequi-probabilism, that in doubt, one must always opt for the side which excludes error most, probabilism advances the following considerations. Although the opinion in favour of the law may be more probable, it is not in the best interest of the moral order to oblige man to the sole alternative of the law. Rather the possibility to make one's choice in a way which agrees best with the will of God is still greater if man is allowed to choose freely between the different alternatives. For once man has been fixed on the sole, though more probable alternative in favour of the law, he is without the possibility of opting for the other opinion, which is also still probable. But he is able to choose among all alternatives, if he is allowed to apply the principle: in doubtful matters freedom ("in dubio libertas").

Nevertheless the argument that in doubt one ought to opt for the more probable opinion appears very reasonable and rather convincing. If one cannot attain certainty about the correctness of a moral tent, one should at least choose that opinion which has more reasons in its favour. On the other hand it seems unreasonable to demand that an opinion must first find approval of at least 50% of the competent theologians before it can be followed. The answer to the difficulty seems to be this. If a person is able to form his opinion only on the basis of the number of authors for and against it, and is not in a condition to gain a personal understanding of the supporting reasons behind the opinion, he could only opt for a view which enjoys the support of the majority of the authors or at least of 50% of them. Much less is an opinion made probable for a person's individual conscience by the favourable views of five or six authors, if for intrinsic reasons he personally considers the opinion wrong or almost certainly wrong. But if in addition to the support of five or six competent authors a person is able to form for himself the judgement that the reasons advanced

¹⁾ D. Prümmer regards the decree of the Holy Office still valid in his *Manuale Theologiae Moralis* of 1958, vol. I, no. 526.

by these authors indeed establish a more probable or at least equally probable opinion, then this is a sufficient basis to follow the view held by them.

In the Declaration on Religious Freedom, Vatican II itself defends a very broadminded concept of freedom of man in a most significant statement. There we read: "The usages of society are to be the usages of freedom in their full range. These require that the freedom of man be respected as far as possible, and curtailed only when and insofar as necessary" (DH 7).

III. Preference rules¹⁾

Another aid for situations of conflicts is the preference rules. They are not merely of subsidiary nature, as the reflex principles are, but they serve as intrinsic criteria for the solution of moral problems. They underlie many of the concrete norms elaborated by moral theology and ethics.

A most fundamental rule and a presupposition for many of the other rules is the principle that values of more basic importance have to be preferred to values of lesser importance. However the hierarchy of values poses no small problem. Otto Schilling gives the following order of precedence: values which refer to eternal salvation, life, health, liberty, honour, and material goods.²⁾ But on occasion inversions are possible. A person may have to risk his life in order to defend the liberty of his country. A still more fundamental problem is the question: How does one arrive at this order at all? Here once again the supreme value of man's ultimate end is of decisive importance. The hierarchy and precedence of values is ultimately determined by man's ultimate end. Those values which are of greater importance for the realization of this end merit precedence. Definitely the order of precedence will vary according to the nature of the ultimate end a person adopts for himself. For some types of utilitarianism material goods will be of greater importance than the values of honour. Schilling's hierarchy essentially corresponds to the Christian order of values, arrived at in the light of the supreme value of God's glory and kingdom. But as the situations vary, the hierarchy will time and again need

¹⁾ A very helpful compilation of preference rules is found in Hans Reiner, *Die Grundlagen der Sittlichkeit* (Meisenheim am Glan: Anton Hain, 1974, 2nd edition), 168-176. A collection of preference rules is also offered by Rudolf Ginters, *Die Ausdrucksbehandlung* (Düsseldorf: Patmos, 1976), 92-95.

²⁾ Otto Schilling, *Handbuch der Moraltheologie*, vol. I (Stuttgart: Schwabenverlag, 1952), 161.

modifications and adjustments. — Besides this general rule, the following, concrete preference rules can be pointed out.

1. Particular goods of a person should be subordinated to the general good of the whole person, the goods of an individual person to comparable goods of a group or the community as a whole, the goods of lesser communities to comparable goods of broader ones. This includes the demand to prefer that mode of action which satisfies the more urgent needs of a person and serves his development more. Accordingly it will be more important for a youth to dedicate himself to his studies than to travel around and enjoy the world.

2. Whoever is the only one suited for a task whose performance is necessary or very desirable, is also the only one obliged to it; whoever is better suited for the task, has also the prior duty to it. Thus if a priest is the only one who can settle a precarious dispute between tenants and landowners, he has the obligation to mediate in the dispute. But it should be understood that if a person, who in the abstract is the one best suited for a task, is already occupied with other important tasks, he may in the concrete no longer be the one suited best for the additional task.

A special instance of the mentioned rule is the norm that ordinarily a person has the prior duty to care for his own needs, since in many regards he is the one best suited for this task and often even the only one. Thus the first duty to take care of an adult person's religious life rests with that person himself. For the same reason, parents usually have the first obligation to take care of their children, since they have the best qualifications for it.

3. An action or condition which offers greater probability of success is to be preferred to one whose success is less assured. The presupposition of course is that the actions are not morally objectionable. On this account, everything else being equal, a person is to prefer sufficiency to want, freedom to slavery. Here can also be counted the rule that an action which will only probably cause an evil effect is to be preferred to an action which will cause it with certainty.

4. An imperiled value whose safeguarding needs immediate action is to be preferred to an endangered value which can still be saved at a later time. Thus it is more urgent to reinforce dikes against a present flood than to save a building threatened by gradual dilapidation.

5. Relief of a need which is certain merits preference over a need which, *ceteris paribus*, is only probable. A family father of frugal means who may need a coat for his children only after two years

may have to give it to a relative who is in urgent need of it now.

6. Non-violation of existing values has priority over against the creation of new values. The duty to protect an existing life is by far higher than the right to give birth to a new life. However lower values may at times be sacrificed to give place to higher ones, if this is the only means to realize the latter.

These are some of the more important preference rules, although the list is not exhaustive. From of old traditional moral theology has developed a number of preference rules in the treatment on the order of fraternal love, be it preferences with regard to persons or with regard to the gravity of needs. They can be consulted in their proper place.¹⁾

H. Reiner calls attention to the fact that the application of the preference rules is by no means always simple and easy. The individual, left to himself alone, is often not equal to this task. He stands in need of the moral traditions of the communities to which he belongs and of the assistance of the competent moral authorities. Acquaintance with these rules provides helpful orientation, but it is no substitute for their concrete, detailed application in the various sectors of special moral theology.²⁾

D. Freedom and commitment of conscience

1. *The right to freedom of conscience*

The certain judgements of conscience are, as has been shown above, the proximate subjective norm of human activity. These judgements a man is bound to follow faithfully and he cannot disobey them without incurring guilt. To the strict obligation to follow one's certain conscience corresponds the right to act according to one's conscience; in other words, a man has the right to freedom of conscience. It follows, declares Vatican II, that a man "is not to be forced to act in a manner contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accordance with his conscience" (DH 3).³⁾ In his moral decisions, man ought to be fully free, not driven by coercion but motivated by a sense of duty. Such respect for the freedom of conscience and the dignity of the human

1) Cf. *Christian Ethics II*, part II, chapter I.

2) Cf. H. Reiner, l. c. 178-184.

3) The right to authentic freedom of conscience has also been asserted by Leo XII in his encyclical "Libertas praestantissimum" of June 20, 1888; cf. DS 3250.

person fully agrees with the mind and thought of the Gospel (DH 11; GS 41).

The right to freedom of conscience comprises two claims. The first one is the right not to be forced to act contrary to one's conscience; this right is unconfined. The second claim is the right not to be restrained from acting according to one's conscience; this right meets with restrictions where it happens to collide with the demands of the common welfare. Are sectarian churches entitled to blare their anti-Catholic or anti-Protestant propaganda from loud-speakers of their church towers in the towns of South America? Should the burning of widows in India be considered the legitimate right of a free conscience, since it gives expression to a lofty concept of marriage? Can conscience absolve people who refuse to pay taxes because of their conviction that the money would be squandered by the government anyway?¹⁾

Conflicts and incompatibilities of this kind have their reasons in the faulty judgements of an erroneous conscience. It has been explained earlier that even though a person has the obligation to follow an invincibly erroneous conscience, society has the right to defend itself against dangerous outgrowths of these errors, the simple reason being that error cannot claim the same right as the truth.

Vatican II states: "In the use of all freedoms, the moral principle of personal and social responsibility is to be observed. In the exercise of their rights, individual men and social groups are bound by the moral law to have respect both for the rights of others and for their own duties toward others and for the common welfare of all" (DH 7). If an individual or a group is not able to meet these demands, society has the right to defend itself against such misguided threats. "It is the special duty of government to provide this protection" (DH 7). But also the Church is justified, within the limits of her jurisdiction, in taking measures against members whose erroneous conscience threatens the welfare of the community. Thus she has the right to withdraw her approval from theologians who no longer agree with the substance of the Christian faith. State and Church must however limit their defensive measures to that minimum which suffices to guarantee the just claims of their members and of the common welfare.

The above reflections show that freedom of conscience is not a right without problems and difficulties. The difficulties are still more aggravated by the undeniable fact that men have the tendency to

¹⁾ Cf. the helpful reflections of Josef Rudin, "A Catholic View of Conscience", in *Conscience*, ed. by C. E. Nelson (New York: Newman Press, 1973). 108f.

twist and “cook up” the voice of conscience or to be negligent in its formation. It cannot be overlooked that in today’s society, the often invoked right to one’s personal conscience against a majority or a positive law does not only meet with respect but also with distrust.

Evidently freedom of conscience does not mean freedom *from* conscience. The person who disregards the voice of his conscience does not only sin, he is also guilty before the community. Crime precisely consists in this that a person disregards the voice of his conscience in a serious matter. Likewise a twisted or negligently formed conscience is not the basis for immune and legitimate action. The physician who arrives at a wrong diagnosis because of inexcusable negligence is not absolved from guilt. If society has the right to defend itself against the threats of an invincibly erroneous conscience, how much more does it have this right against a conscience which is vincibly and culpably erroneous.

The awareness of the very real possibility of an erroneous and insufficiently informed conscience imposes a strict obligation upon everybody to check his convictions of conscience seriously and to strive after an ever better formation of it. Even though majorities are not always right and laws are not always altogether just, there is nevertheless a presumption in their favour. This implies that a person must examine his arguments all the more carefully if he finds himself in disagreement with the decisions of the majority and the law.

2. *The duty to form one’s conscience*

Although conscience is the ultimate subjective norm of moral conduct, it is a norm which must conform to the higher norms of the objective world of truth. “Conscience is not an oracle which can draw the truth from its own obscure depths or even create it. It is the proper task of conscience to move the will in accordance with the truth of which it is aware and to search for the truth prior to its decision”.¹⁾ The sincere intention to do what is good does not suffice. “I simply must have good information in order to make good mature moral judgements.”²⁾ Truth and moral rightness are not autonomous creations of man’s mind and conscience. Rather man is subject to the authority of the truth and must conform to it. This dependence includes the obligation to search after the truth. “The ultimate

¹⁾ B Häring, *The Law of Christ I*, 1966, 148

²⁾ W. Norris Clarke, “The Mature Conscience in Philosophical Perspective”, in *Conscience: Its Freedom and Limitations*, ed. by William C. Bier (New York: Fordham Univ. Press, 1971), 364.

authority of moral principles is the authority of the truth; and truth in ethics is known only through the painstaking study of the facts.”¹⁾

Since conscience stands in need of illumination and guidance, a man is responsible for its formation. To call upon the judgements of one's conscience without having striven to inform it properly is an insulting abuse. Unwillingness to inform one's conscience, “to use the best available resources to understand the truth of the moral situation facing one, is already an unwillingness to respond to the one true God.”²⁾ The sources of information are the order of creation, the word of God, man's personal communion with Christ, the living faith of the Christian community, and the findings of the ethical sciences.

“For the Christian believer the Church as the perceptible locus of God's self-giving in Christ, and the community in which the knowledge about him resides and develops, offers indispensable guidance in his search to understand the demands of his own situation. The moral teaching of the Church, that teaching which issued from its knowledge of and reflection on the revelation made in Jesus Christ, forms a primary source of the Christian's conscience judgement”³⁾ (cf. also LG 25; GS 50: DH 14).

If man were careless in acquiring the knowledge necessary to form a prudent and responsible judgement of conscience or even disregarded his duty to do so, he would be guilty of a vincibly erroneous conscience, which is not a basis for lawful action. A man who did his best to form a correct decision of conscience is by no means degraded in his dignity if he should nevertheless err in his decision. But “the same cannot be said of a man who cares but little for truth and goodness, or of a conscience which by degrees grows practically sightless as a result of habitual sin” (GS 16).

It is right that on the one hand knowledge of moral values draws its nourishment from the original and rich depths of the soul. But on the other hand, intellect and will must by their proper activity also cultivate, define and deepen the soul's power to love. Only self-conceited and haughty pride will in superficial preference rely on its own insights without openness and docility to the teaching of those who have special competence and who are the God-willed authorities in questions of faith and morals. The

¹⁾ Gerard J. Hughes, *Authority in Morals* (London: Heythrop Monographs, 1978), 89.

²⁾ Enda McDonagh, “Conscience: The Guidance of the Spirit”, in *Truth and Life*, ed. by Donal Flanagan et al. (Dublin: Gill and Son, 1968), 129.

³⁾ *Ib.* 130.

formation of conscience must go hand in hand with the realism of humility, which is aware of the necessary limitations of every individual.

3. *Conscience in confrontation with authority*

Conflicts between conscience and authority are a problem as old as mankind. The Greek poet Sophocles (496-406 B.C.) provides a dramatic account for such a conflict in his tragedy "Antigone". King Creon had forbidden the burial of his enemy Oedipus. Yet Antigone, Oedipus' daughter, buried him nevertheless, because it was her conviction that this act of filial piety is a demand of the gods. For this she was sentenced to death by the king.

The problem recently received new stimulus in the Catholic Church in the context of the dispute on the artificial means of birth control. Very forcibly the question is being raised how far a man has to submit his judgements of conscience to the judgements of experts and religious authorities.

Conflicts between the decisions of civil or ecclesiastical authorities and the individual conscience can readily arise, caused by shortcomings on either side. (Only conflicts resulting from erroneous judgements are here considered. Evidently criminal orders can never claim obedience.) Authority may in some instances fail to arrive at the most just and prudent decision. And the subject is far from being infallible in the judgements of his conscience.

Because limits of certitude are present on both sides, both sides ought to be cautious in their affirmations and rejections. Yet the presumption is in favour of authority. This is particularly true in the case of laws and doctrines which have been formulated with the assistance and advice of many experts and competent scholars. In comparison to such conclusions, the insights of the individual must be considered as far more limited and more exposed to error. Spontaneously individuals are aware of this, and therefore they do not feel at ease with moral judgements of their own which conflict with the decisions of the competent authorities, especially those of the Church. And justly so! If an individual conscience stands against the common opinion of experts, this ought to make the individual extremely careful, lest he become guilty of acting irresponsibly and with obstinate pride. Only well-founded certainty to the contrary can overthrow the presumption of right in favour of such an opinion and justify a decision deviating from it.

A subject must be so much the more careful and suspicious of himself the more competent the superior is and the more advice from experts he received before formulating his decision. Naturally, if there is a difference of opinion among the very experts and theologians themselves, whether a decision given by a superior authority in a moral controversy was the correct one, then a subject's dissenting conscience can no longer be classified as an individual's questionable opinion. The fact that even experts and theologians have similar doubts adds to the probability that the subject's dissent has some good reasons in its favour. One can hardly deny that conscientious dissent under such circumstances possesses a great likelihood of being justified.

Should an individual reach the sure conclusion that his contrary conviction is after all correct, he may not follow orders or permissions which are contrary to his conscience. He also has the right and often enough even the duty to mould public opinion in order to bring about the change of decisions or laws which in conscience he considers wrong. But he also has the obligation to respect the honest convictions of others, even though they are opposed to his own, just as he likewise can claim this right for himself.

Authorities are not free from error. Even with the best of intentions they may at times be mistaken. The opposite danger however is still more common, namely, that freedom of conscience is abused to justify unlawful disobedience to authority. Concerned about this, Vatican II expresses its apprehension. "Not a few can be found who seem inclined to use the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience. Therefore, this Vatican Synod urges everyone, especially those who are charged with the task of educating others, to do their utmost to form men who will respect the moral order and be obedient to lawful authority." This task is of no less importance than the other one: to form men who will be lovers of true freedom and of an upright sense of responsibility (DH 8).

Chapter IV

REALIZATION OF THE MORAL VALUE IN HUMAN ACTS

Having acquired the knowledge of his moral responsibility and task, man must realize the guidelines and imperatives of the moral law in his actions. Accordingly the nature and characteristics of human acts must be studied next, which acts enable man to proceed towards or also to depart from his ultimate end and to attain or to miss it.

A. Concept and nature of human acts

I. Concept of human acts

Human acts (*actus humani*) are actions that proceed from insight into the nature and purpose of one's doing and from consent of free will; or shorter, they are acts which proceed from insight and free will.

Human acts are to be distinguished from acts of man (*actus hominis*), which are performed without intervention of intellect and free will. They comprise all spontaneous biological and sensual processes, like nutrition, breathing, sensual impressions; all acts performed by those who have not the use of reason, like people asleep, lunatics, drunken people; all spontaneous reactions which precede the activity of intellect and will, like first reactions of anger or sympathy. Likewise distinguished from human acts are forced acts which, though effected with some insight and cooperation of the intellect, are carried out against a man's personal decision and will. Some authors subsume forced acts under the acts of man as well.¹⁾

¹⁾ From human acts are also sometimes distinguished voluntary acts of necessary character (*actus voluntarii necessarii*), which are performed with insight into the end and with consent of will, yet without the liberty not to pose them (*sine libertate indifferentiae*), like the desire for happiness and salvation here on earth and the beatifying love in heaven. Human acts in the strict sense are consequently not all voluntary acts, but only those which at the same time proceed from liberty of indifference (*actus voluntarii liberi*). The distinction is however of no great practical significance, and one may also wonder whether it is correct to deny the qualification of human acts to these voluntary acts of necessary character.

II. Constituent principles of human acts

Constituent principles of the human acts are those inner causes which generate the act. As the definition of the human act makes plain, there are two principles which constitute this act: an intellectual and a volitive constituent.

1. *The intellectual constituent*

The will can decide for something and seek it only if it is first known. Hence the human act is voluntary only if its different elements are sufficiently known. This requires as essential conditions for a human act knowledge of the aspired object, attention to the action with which the object is to be pursued, and judgements on the value of the act. The reason is that man cannot will without knowing what object he is concerned with, without being master and therefore conscious of the act he is to perform in order to realize the aim, and without evaluating the action in its concrete nature as a desirable good or undesirable evil, which appraisal also includes the judgement on the moral value of the act.

Furthermore an action is human, and therefore good or bad, only under those of its aspects which are known. If a man robs and strikes a person not knowing him to be a priest, he is guilty of criminal injury but not of a personal sacrilege. If somebody strikes and wounds a relative whom in the dark he erroneously thinks to be a burglar, he is not guilty of sinful injury at all, but he is the victim of an error which excuses from guilt.

2. *The volitive constituent*

Every voluntary act of man includes a necessary element, the quest for good (the formal element of every desire), and a free element, the choice of the concrete object in which the good is sought (the material element of desire). It is because of this second aspect that we say that the voluntary act, and therefore the human act, is free.

If a man for some reason is not free to choose what he would like according to his insight and will, but has to act against his will, his action is not free and consequently not a human act. Suppose a psychologically afflicted person feels compelled to wash his hands again and again. He is clearly conscious of the object he is concerned with and of the action with which the object is pursued; and he is also aware that this act is of no real value and ought therefore not to be

performed. In executing the act nevertheless, he does so under the pressures of his psychic compulsion, i.e. without consent of his free will. Since such an act is not voluntary, it is not a human act.

Hence as a second essential condition for a human act consent of the free will is required, which implies freedom from any external or internal compulsion.

It is a justified concern of contemporary man that all pressures and compulsions which narrow down his freedom of choice be ever more reduced and that the scope of freedom be ever more enlarged. Nevertheless it has also correctly been observed that external freedom of action, freedom of speech, freedom of locomotion, etc. are not absolute and supreme values. They too are and must remain subservient to the superior values of the genuine social good and the promotion of God's creative design. The aim of human efforts and striving "can never consist in those forms of freedom in themselves, but only in their positive use."¹⁾

Note that anything that is an object of the will, we call the thing willed (*volitum*). But not everything that is willed is necessarily an effect of the will. The setting of a house on fire which is not caused but desired by someone is something willed, but is not the effect of the will. When what is willed is both the object and the effect of the will, we call it voluntary (*voluntarium*). The burning of a house which a person wills and causes is voluntary.

III. Divisions of the voluntary act and effect

Human act and voluntary effect (both covered by the one Latin term "voluntarium", since both are the outcome of insight and consent of will) are distinguished in many ways. Some of the more important divisions shall be given in the following.

1. *The perfectly and imperfectly voluntary act.* Perfectly voluntary is an act which is performed with full attention and full consent of the will. Imperfectly voluntary is an act if attention or consent of the will or both together are imperfect. Though imperfect attention and imperfect consent usually go hand in hand, full attention can nevertheless at times exist together with imperfect consent. Thus a person who acts under the influence of fear may act with full attention but with imperfect consent.

2. *The actually and virtually voluntary act.* Actually voluntary is an act that proceeds from the present deliberation of the will;

¹⁾ Hans Rotter, *Grundlagen der Moral* (Zürich: Benziger, 1975), 164.

virtually voluntary is the act if it is placed by virtue of a previous deliberation that still persists in its effect. An actually voluntary act is had, e.g., when somebody is deciding to collect food and clothing for the victims of an earthquake. The act is virtually voluntary if the organizer of the relief action is busy with entering the arriving goods and with packing them, not thinking of the aid he wants to provide for the victims; but all his activity is lastly inspired by his will to aid, and asked why he engages in all that activity, he would immediately have the reflex knowledge again that he is working for the victims of the earthquake.

With the actually and virtually voluntary act correspond the actual and virtual intention. The actual intention to realize a certain object flows from a present deliberation. The virtual intention is an unreflective, subconscious effectiveness of the will which results from the original actual intention and which gives rise to a present activity. There is still a habitual intention with which no voluntary act corresponds but only an object welcomed by the will (*volitum*) as a result of a former voluntary act, which however does not influence any present action. E.g. Catholics usually have the habitual intention to receive the last sacraments when they are about to die. This intention does not influence their daily activities. Yet if they happened to be in danger of death, it would be a sufficient intention for the reception of the last sacraments.

3. *The directly and indirectly voluntary effect (voluntarium in se et in causa).* The effect is directly voluntary if it is intended in itself as an end, e.g. murder for the sake of revenge, or if it is intended as means for another end, e.g. murder for reasons of robbery and profit. The effect is indirectly voluntary if it is not intended but merely permitted as the inevitable result of an object directly willed. Thus the death of a foetus caused by the removal of a uterus affected by cancer is not intended as a means nor as an end but only permitted as an indirectly voluntary effect. In the latter case, colloquial language commonly rather speaks of side-effect. For example a medicine against cancer may have the undesired, though foreseen, side-effect of nausea.

4. *The positively and negatively voluntary effect.* The will effects something positively by exercising active influence on the causation of an object, as for instance injuring a neighbour by setting his house on fire (which, being an offence against justice obliges to restitution). The will effects something negatively by voluntary omission of an act which could have averted an evil from another person or helped him to secure a good. Thus it is negatively volun-

tary not to extinguish a fire already started in a neighbour's house; or not to tip off robbers of the presence of the police. Evidently in the first case the omission is sinful (but being an offence against charity only, it does not oblige to restitution), in the second not. The problem of negatively voluntary acts is of special concern today in the case of terminally ill patients, when the question arises whether to initiate, continue or discontinue treatments of life support.

The positively voluntary effect is caused intentionally, the negatively voluntary effect is only permitted. At times this difference between an intending and a permitting will is identified with the above distinction between the directly and indirectly voluntary effect. But this has justly been contested.¹⁾ The two distinctions do not coincide. The indirectly willed effect of a castration, caused by the removal of cancerous testicles, is evidently not due to a mere omission and therefore not merely negatively voluntary. On the other hand the fact that a fire breaks out in the house and no effort is made by a neighbour to extinguish it is negatively voluntary, but it is not indirectly voluntary, since no action at all is produced by the neighbour to which the fire could be attributed as an indirect effect.

B. Obstacles impairing human acts and voluntariness of their effects

The impairments of human freedom are realities with which ethics and jurisprudence have to reckon today as much as in the past. Far from disregarding the issue today, the anthropological sciences have made man aware of the numerous factors which can inhibit truly human behaviour. Man is preconditioned in many ways. He is never totally free. He lacks freedom in principle and not only as a matter of occasional interference. Of course this is no denial of a realm of genuine freedom in man, a realm which ought to be increased by pushing back the margin of ignorance and undue pressures ever farther. But certain limits of freedom will always remain, and at times unfavourable conditions can impair it grievously or even totally. Ethics and jurisprudence have to take these possibilities into account when judging the conduct of men.

Some obstacles impair the coming about of a human act in its roots by diminishing or preventing the consent of free will (the

¹⁾ Such an identification is made by Richard A. McCormick (*Doing Evil to Achieve Good*. Chicago: Loyola Univ., 1978, 35f; 263) and Bruno Schüller (ib. 173-175). It is contested by Charles E. Curran ("The Principle of Double Effect", in *Ongoing Revision: Studies in Moral Theology*. Notre Dame, Ind.; Fides Publ., 1975, 206f).

volitive constituent), such as passion, fear, violence, habits and dispositions of temperamental or pathologic nature. Other obstacles do not impair the origination of a human act but only the voluntariness, and consequently imputability, of its effects by preventing a clear knowledge of the object of the act (the intellectual constituent), such as ignorance, error, forgetfulness, inadvertance. Inadvertance however may extend not only to some aspect of the act but also to the action as a whole, which equally impairs the coming about of a human act as such; in this case consent of free will is always likewise affected because not adverted to either.

I. Impairments of required knowledge

The distinctions and principles to be drawn up for ignorance equally hold good for the other defects of knowledge. Yet error and inattention still call for some supplementary remarks.

1. *Ignorance*

Ignorance may be invincible or vincible. That ignorance is invincible which a man is not able to dispel by such reasonable diligence as is commensurate with the issue of an act and with one's opportunities. In some situations reasonable diligence would mean considerable diligence, as when important issues are at stake, such as saving another person from dangers to health and life. Invincible ignorance is inculpable. It is also characterized as antecedent ignorance, because it precedes any voluntary act and is not willed by any consent of the will.

Ignorance is vincible if it could be removed by reasonable diligence but is not because of negligence or bad will. Vincible ignorance is culpable. It is also described as consequent ignorance, because it is admitted or willed either directly or indirectly, flowing thus as a consequence from a previous decision of the free will. According to the lesser or greater degree of negligence of which one is guilty, ignorance may be simply vincible, if some but insufficient diligence has been used in dispelling the defect of knowledge; it may be crass or supine, if no serious effort has been taken to remove the ignorance; or it may be affected, if one delib-

erately wills to remain ignorant.¹⁾

The following principles apply to ignorance and its imputability:

(I) Invincible ignorance prevents the human act from being voluntary in regard to that which is not known. What namely is not known cannot be voluntary in itself, as follows from the definition of the human act; and what is not known with invincible ignorance is not voluntary in its cause either. Therefore if a cook should cause the death of some people by unknowingly serving them spoiled meat or poisonous mushrooms, which had been sold to him by careless merchants, he is innocent of this calamity and excused from guilt. For the same reason, anxiety regarding actions one did years ago, not knowing their sinful character, is unreasonable.

(II) **Vincible ignorance** does not take away the voluntariness of what is effected by a human act or its omission, but it **diminishes voluntariness**, as long as the ignorance is not affected.

Vincible ignorance does not prevent voluntariness, since the ignorance is voluntary in its cause, provoked by negligence or laziness or even bad will. Indirectly voluntary are consequently also the effects resulting from such ignorance. Making an application to ordinary life, this would mean that, e.g., a priest or physician who has seriously neglected his studies or further professional development, cannot be excused on the ground of ignorance if he blunders in the performance of his profession.

Nevertheless vincible ignorance usually diminishes voluntariness and guilt, since the imputability of an action essentially depends on the insight a man has of a matter, and this insight is deficient in this case; and simple negligence or laziness do not usually imply a full consent to all the possible evil consequences which may come therefrom. Of course the greater the neglect is, the greater is the guilt. **Crass ignorance in a serious matter will generally make the sin grave, simple ignorance will reduce the guilt somewhat.** A physician who endangers a patient's welfare and life because of crass ignorance is guilty of grave irresponsibility.

¹⁾ The distinction between indistinct and distinct knowledge belongs in this context, since indistinct knowledge implies ignorance concerning the precise nature of an object. Distinct knowledge grasps the quality and gravity of a good or evil act clearly and accurately, while indistinct knowledge grasps this quality and gravity only vaguely. Thus if somebody steals a sacred object, conscious that this is a sacrilege, he acts with distinct knowledge; but if somebody steals the sacred object, conscious only that such theft is a graver sin than a simple theft, he acts with indistinct knowledge. With regard to the not clearly grasped aspects of an action or omission, indistinct knowledge may reduce imputability somewhat.

Affected ignorance however does not have the effect of diminishing guilt. Ignorance is kept up intentionally in this case, so that a person may not be bound by the law and have greater freedom to commit sin. There is full consent to the sinful effects which result from such ignorance, because there is no real effort and no intention to avoid them. For example, inspectors of factories, sent by the government to investigate the implementation of labour contracts in the workshop place who have been bribed and who choose to remain ignorant of any violations of the contracts by neither interrogating the workers nor seriously checking the records are guilty of affected ignorance.

Ecclesiastical law recognizes these principles concerning ignorance (CIC 1323 no. 2). Civil law generally does not regard ignorance of the law or of the penalty as an excusing cause, but as a reason for a milder penalty. Ignorance of a fact however is also recognized by civil law fully as a cause excusing from guilt.

2. Error

The origin of errors, prejudices, false opinions and convictions may lie in deficient education, the influence of bad company, the reading of misleading books and papers, etc. Man is challenged to overcome the errors which hold him under their sway in personal search for truth, to escape the negative influence of those forces which misguide him, and to reach views based on sound reasons. For false convictions bring with them false attitudes to life.

One of the greatest hazards to freedom in our times is the insidious influence of mass suggestion, which often emanates from organizations like parties, ideological groups, trade-unions, student associations or other powerful groups of citizens, and which above all avails itself of the far reaching potency of the mass media: press, radio and television. Such suggestion not seldom affects the broad masses like an epidemic. Even morally mature men and women can be perceptibly hampered in the independent exercise of their moral responsibility. Pestilential outbursts of fanatic nationalism, hatred for minority groups, other races and nations, the rash of superstition, lynch justice, all result therefrom.

The development of true moral freedom demands the gradual emancipation of the human person from the fraud of the masses. Yet the individual alone is often too weak to break the outrages of mass thinking on his freedom. He needs the support of the community of the good, who must find together in order to resist a

perilous climate and to defend the true values and rights of men against the infections by comfortable and pleasing errors. In the face of such prejudice and bondage of falsehood, especially the Church has an important role to play as the guardian and promoter of truth, right and genuine freedom.

3. *Inattention*

While ignorance and error are habitual privations of knowledge and true insight, inattention is an actual, momentary privation of knowledge. So far as inattention only extends to certain aspects of an action, the same principles apply to it as those drawn up for ignorance. However inattention can also extend to the action as a whole, and for this some additional norms come into play.

(I) If a person does not attend at all to what he is doing, he does not accomplish a human act. The absent-minded professor who is so absorbed in his scientific problems that he boils his watch instead of the egg does not perform an imputable human act in committing this error. Acts performed in a state of complete intoxication, fogging by drugs and the like are not human acts either. But sometimes these acts may be voluntary in cause, as e.g. damage caused by a drunkard who had foreseen that such behaviour would probably be the result of his drinking.

(II) If a person is only half-attending to what he does, the acts he performs are only imperfect human acts. Attention is imperfect if it is disturbed and diminished, though not completely extinguished, by some obstacle, e.g. if somebody is in a state of semi-wakefulness, partial intoxication, violent passion, distraction by other occupations. The conveniency or inconveniency of the action is partially perceived, but not to its full extent. With this attention a grave moral act and therefore also a grave sin is excluded.

A perfect human act is only performed when full attention is had to what one is doing.

II. *Impairments of free consent*

1. *Passion or concupiscence*

a) *Concept and nature.* Passion or concupiscence is a movement of the sensitive appetite which is produced by good or evil as

apprehended by the imagination. Hence the concept of concupiscence is here not used in the Pauline sense of inclination to evil (cf. Rom 7:8), nor it is limited to the sexual desire. Passions are grouped into two classes by the scholastics, the concupiscible and the irascible. The first class comprises love, hatred, desire, aversion, joy, sadness. The second class comprises anger, courage, fear, hope, despair. Movements of the passions are frequently also called feelings, especially if not vehement.

Concupiscence in the sense here defined has no connotation of evil. God has endowed man with these appetites, which pervade his whole sensitive life. They are instruments for self-preservation of the individual and the human race. A man without them would be with no capacity for self-defence, growth and improvement. Therefore it is no surprise that we notice passions also in the lives of saints and of Christ himself. "My soul longs, yea, faints for the courts of the Lord; my heart and flesh sing for joy" (Ps. 84:2), prays the psalmist. And in burning anger Christ turns against the hypocrisy of the Pharisees and scribes, whom he calls blind guides, whitewashed tombs and brood of vipers (Mt 23:13-36).

The passions become destructive and evil only if their force is not controlled by reason. Since this is not a remote possibility, but on the contrary a common danger, man has the urgent duty to control and to check his sensitive appetites. In fact the whole process of moral education, both in the early and in the maturer years, is to a large degree a process of gaining command over all the movements of the passions. Thus man has eventually to become master of himself.

b) *Division.* Passion or concupiscence may be antecedent or consequent. Antecedent passion precedes the action of the will and at the same time induces the will to consent. This takes place in involuntary movements. Thus delicious food served at table spontaneously causes appetite and the desire to eat it.

Consequent passion follows the free determination of the will and is either freely admitted and consented to or deliberately aroused. If passion is freely consented to, it has first risen spontaneously, but afterwards the will accepts and fosters it by free decision. Passion is deliberately aroused if one purposely evokes and stimulates it, e.g. in an evil sense by reading immoral literature, or in a good sense by singing hymns of divine praise.

c) *Principles.* (I) Antecedent passion always lessens voluntariness and sometimes precludes it completely. Passion lessens

voluntariness because it hinders the reflection of reason and weakens it attention. At the same time it strongly urges to action and entices the will to consent. Furthermore, since the forces of the soul are limited, it holds that the stronger the activity of one psychic faculty is, the weaker becomes the activity of the others. The more intensive concupiscence is, the weaker are intellect and will. This explains why a very vehement passion can occasionally, though only seldom, overrule intellect and will in such a way that free choice and a voluntary human act are completely excluded.

If passion diminishes voluntariness, it increases on the other hand the inclination of the will. In other words, what is willed through antecedent passion is willed with greater intensity but less freely.

Note that even though imputability is lessened, a grave sin may nevertheless be committed. Moreover the passion is often willed indirectly, either because one exposes oneself to danger without adequate reason, or because one does not resist one's passionate disposition in spite of the awareness that one has an obligation in that regard.

(II) Consequent passion does not give rise to lessened voluntariness and is therefore good or bad. Consequent passion is freely accepted or even deliberately roused; for this reason it is voluntary in itself, and voluntary in the passion as their cause are also the consequence flowing therefrom, i.e. the obfuscation of the intellect and the enticement of the will.

2. Fear and social pressure

a) *Concept and nature.* Fear is the shrinking back of the mind on account of an impending evil. This intellectual fear is to be distinguished from the fear of the senses, which is one of the passions and to which therefore the principles regarding passions are applicable. Intellectual fear does not generally escape the control of the mind and will, as the fear of the senses easily does, and leaves the person in principle free. The evil which causes the fear may threaten the affected person himself or his relatives, friends and others associated with him.

A very pervasive form of fear, mostly working in a subtle way, is social pressure. An instinctive need, rarely emerging into consciousness, for acceptance, competitiveness, esteem, safety, shelter, etc. pressurizes human beings to conform to prevailing opinions and behaviour patterns. Even so-called intellectuals are

more susceptible to such influences than they like to think. Of course many of the fashions in ideas and life style are rather neutral from the moral point of view. Many others are entirely justified, as e.g. the sanctions attached to the written and unwritten rules and laws of social life. But where erroneous beliefs, prejudices or false ideologies are at work and recognized by a person as such, he ought to dissociate himself from them and stand up against them. Yet all too often the powers of fear and shame fetter a person's freedom and prevent him from doing what in conscience he ought to do.¹⁾

b) *Divisions.* Fear may be grave or slight according to whether it is caused by a grave evil which one cannot easily escape; or only by a slight evil, or by a grave evil which one can however easily avoid. Fear is absolutely grave if it exercises a great deterrence upon the average person, like death, torture, unemployment for a father who has no other resources to sustain his family. Fear is relatively grave if the threatened evil is objectively only slight but frightens a particular person subjectively very much because of his timidity, as e.g. a child might dread to be locked up in a dark cellar. A frequent kind of a relatively grave fear is reverential fear, by which a person shrinks back from opposing someone to whom he is obliged to show reverence. Although it is usually accounted a slight fear, it can seriously impair freedom of decision especially of children and in particular daughters with regard to their parents. At times reverential fear can be absolutely grave, if namely opposition against a person in authority would result in long lasting disfavour, quarrels and vexations.

Another division distinguishes between unjustly and justly inflicted fear. Fear is inflicted unjustly if it is not justified by any guilt or potential misbehaviour of a person or is out of proportion to them. Thus it is unjust to threaten a person with the loss of his job if he continues to be a practising Christian. Fear is inflicted justly if it is justified by a person's guilt or potential misbehaviour. Thus it is just to threaten a rapist with prosecution and prison, unless he pays compensation and alimony for the child. The punishments threatened by penal codes against offences and crimes in principle pertain to the category of justly inflicted fear. They are justified social pressures.

¹⁾ Cf. Louis Monden, *Sin, Liberty and Law* (London: G. Chapman, 1966), 23-25.

c) *Principles.* (I) Fear does not destroy the voluntary character of an action; but it usually lessens its guilt as well as its merit.

According to the accepted principles of moral theology, no degree of fear, unless it hampers the use of reason, destroys voluntariness and excuses from sin or, on the other hand, takes away the merit of a good action. Even though the act has an involuntary aspect, it holds that a person who executes a certain action to avoid an evil which he fears, does so by decision of his will and therefore performs a human act. Thus in times of persecution, the fear of death was never taken as an excuse for apostasy. Nor does the fear of death excuse a soldier from remaining at his post till death. In the same way the imminent approach of shipwreck never justifies a crew to take to the boats and leave women and children behind to their fate.

Yet fear often diminishes guilt and merit, because there is an involuntary aspect insofar as fear makes a person will what otherwise he would not will. This is most obvious if the threatening evil is very great, like torture. Apostasy for fear of torture is accordingly a considerably lesser sin than apostasy for the sake of getting a promotion in office. On the other hand, if a soldier only continues to fight because he is afraid of court martial, his merits and virtue are almost null.

(II) Grave fear usually excuses from the obligations of positive (ecclesiastical or civil) law and of affirmative natural law. The reason is that moral impossibility excuses from the compliance with such laws (cf. the paragraphs on cessation of the obligation of the law and on *epikeia*). Thus grave fear exempts the faithful from assisting at Sunday Mass; or it releases from the obligation to restore ill-gotten goods. But fear does not excuse if a positive law is of such a nature that its violation would cause great harm to the common good. Hence under no circumstance is it lawful for a priest to reveal confessional secrets.

As to negative natural laws, such as the prohibitions of murder, blasphemy, denial of faith, etc., grave fear as a rule does not excuse from their observance. However if material goods are concerned, it may excuse from the prohibitions of theft and damage to other people's possessions. Thus under the threat of death, a bank employee may hand over the money of the cash-box to the robbers (cf. the rules for cooperation in the sins of others).

It is to be noted that ecclesiastical and civil law often invalidate actions rescindable at the instance of him who was influenced by fear. Ecclesiastical law invalidates the following acts from the

very beginning, if undertaken as a result of grave fear which is unjustly imposed: matrimony, admission to the novitiate, religious vows, other vows, promissory oaths, resignation from office.¹⁾ Holy Orders received as a result of fear are valid, but can be rescinded by the Church authority if petition is made by the affected party.²⁾

3. *Violence*

Violence is a compulsive influence brought to bear upon one against his will by some extrinsic agent. Violence is not caused by moral force such as fear, but only by the compulsive force of some physical or psychic agent. Though this agent is extrinsic to the will, it need not necessarily be extrinsic to a person's body and psyche, since violence can also result from pathological conditions.

While internal resistance of the will is essential for violence, external resistance is not always called for. It is required if there is hope that the force can be repelled by counteraction; or if it is necessary to preclude the danger of internal consent; or if there is need to prevent others from thinking that consent has been given. Therefore, if a state should unjustly expropriate Church property, the ecclesiastical authority ought to protest, even if there is no hope of getting back what has been taken away, to state clearly before the public and the law that the Church did not approve of this action. On the other hand, if a Christian is arrested because of his religious conviction, he need not refuse to make the way to prison on his own feet, since such refusal would not profit anything but on the contrary only worsen the situation.

Violence is absolute if the will dissents totally and resists as best it can and is meaningful. Violence is relative if the will dissents only partially or weakly and is perhaps deficient in its external resistance. A person who is dragged to the altar of pagan gods and in whose hands is put incense as an offering, may be tempted to give partial consent to the force, since it will save him from torture and death. The following rules apply to the influence of violence on imputability:

(I) Absolute violence excludes any voluntariness from the forced action. The reason is that lack of consent precludes a human act and consequently imputability. If it is a question of juridical acts, the Church declares them invalid. (cf. CIC 125, § 1).

1) CIC 1103; 643, n. 4; 656, n. 4; 1191, § 3; 1200, § 2; 188.

2) CIC 125, § 2; 1026.

(II) Relative violence does not impair voluntariness completely but lessens it. Voluntariness is not completely taken away since there is a partial consent of the will. But voluntariness is lessened because relative violence makes a person carry out what otherwise he would not do.

4. Dispositions and habits

There are natural dispositions which incline one man more than another to certain ways of reaction and conduct and which have their roots in his character and inherited propensities. Education by one's family and environment plays an equally important role in the formation of attitudes and customs, which influence an individual strongly and which he cannot easily overcome. According to the findings of depth-psychology, a person's past experiences, especially the experiences of early childhood, build up unconscious patterns of behaviour and motivations, which likewise exert psychic pressure upon him, and sometimes a very powerful one, such as tendencies to disorder, aggressiveness, fear of social contacts, submissiveness. All these factors have an impact upon man's free will and affect his decisions. They are apt to narrow a person's liberty and to diminish the voluntariness of his actions to a certain degree, although they cannot take it away altogether.¹⁾

The fact that education is so powerful in forming good or bad attitudes and habits makes it necessary that the child be gently trained from his early years to subdue evil inclinations, to acquire good habits and to practise Christian virtues. For this reason it is totally wrong to leave a child uninfluenced by religion until he is able to make his own choice. The love of God, the appreciation of prayer, virtues and sacraments, the resistance against sin need be impressed upon a child from his earliest age. This is an inestimable aid for the child's future confrontation with life. It spares him many struggles and mistakes and leaves his energies free for the positive tasks of love of God and neighbour.

When a person frequently follows out an inclination which belongs to his nature, he acquires thereby the power to perform the action easily. The inclination becomes stronger and finally grows into a habit. The habit is defined as a facility and readiness of acting

¹⁾ This also holds good for unconscious motivations and neurotic propensities. Although it cannot be doubted that these impulses of the dynamic unconscious exercise pressure on an activity, this does not signify that they compel it, as is sometimes claimed (cf. J.C. Ford and G. Kelly, "Imputability and Unconscious Motivation", in *Contemporary Moral Theology*, vol. 1. Westminster: Newman Press, 1958, 174-200).

in a certain manner acquired by repeated acts. Man is not without responsibility for the development and retention of his habits, be they good or bad.

The following principles apply to the imputability of habits as well as dispositions and the actions flowing from them.

(I) A deliberately admitted habit does not lessen voluntariness and actions resulting therefrom are voluntary at least in their cause. Although a person may not be free by force of his habit at the moment he acts, he is still responsible for his actions if he consents by free decision to the habit as such. For approval of the habit as such necessarily also includes approval of all the consequences which one knows will follow from the habit.

(II) An opposed habit lessens voluntariness and sometimes precludes it completely. The reason is that a habit weakens intellect and will in the concrete situation in a similar way as passion does. Hence in spite of a person's disapproval of his bad inclination, he is often overcome by the force of the habit. When a person earnestly strives to rid himself of a bad habit, he will frequently be excused from sin if he nevertheless yields to temptation. When a person dislikes his bad habit yet does not take serious pains to break with it, the voluntariness of the bad actions is lessened only slightly.

As long as a man who is in the evil habit of cursing and using profane language does not disapprove of his habit at all, his acts of cursing are fully imputable and sinful. If he shows dislike for his habit yet counteracts only weakly, he is responsible for his bad acts to the degree of his tepidity and indolence. But should he sincerely repent of his sins and resolutely fight against them, the evil words which still slip out in spite of his good intentions no longer partake of sin since they are no longer freely consented to.

With regard to *pathologic conditions* of psychiatric nature or mental deficiencies and their influence on the liberty of man, these conditions do not constitute impairments which are specifically different from those already mentioned. The psychic defects can ultimately be reduced to the other impairments of human acts and their freedom. At times mental illnesses prevent the origination of human acts altogether by depriving the afflicted person of the normal use of reason. This means that the required knowledge or insight is lacking, without which human acts cannot come about but only acts of man. At other times mental illnesses may cause psychic compulsion, which amounts to the impediment of vio-

lence. Or they may pressure a person in the line of dispositions and habits. Often psychic compulsions, such as kleptomania, agoraphobia, or certain instances of scrupulosity, can considerably be reduced by a person's will and discipline, although not totally eliminated. In this they resemble inveterate habits.

C. Sources defining the morality of human acts

The norm which determines or measures the morality of a human act is objectively the moral law and subjectively man's conscience. Human acts are morally good if in agreement with these norms and morally evil if in disagreement with them. The question to be answered here is the question about the various elements in the human act which have to be measured against the moral norm and which determine its morality. These elements are called the sources of the morality of the human act, because the human act derives its morality from their agreement or disagreement with the moral norm.

Traditionally moral theology lists three sources of the morality of human acts: object, circumstances and intention. A human act is good if all these three elements are in harmony with the moral norm. On the other hand a human act is morally evil if only one of these elements offends against the norm of morality. This is the meaning of the terse Latin principle: *Bonum ex integra causa, malum ex quovis defectu*.

I. The object

Object of the human act is that effect which an action primarily and directly causes (*finis operis*). It is always and necessarily the result of the act, independent of any circumstances or of the intention of the agent. Human language identifies the various types or categories of actions by certain words and descriptions, such as theft, abortion, lying, almsgiving, healing, worship, etc. Object of the actions thus identified is that effect which pertains to the essence of the act and without which the action would no longer be the same. Thus the object of a theft is always the appropriation of another person's goods against his will, whether it is taken from a rich or a poor man, whether its purpose is personal enrichment or alleviation of extreme need. The object of an abortion is always the forcible removal of the non-viable human being from the mother's womb, whether it is done to avoid public shame or for therapeutic reasons.

In order to have a clear idea of the object of the human act, it is necessary to determine as precisely as possible the primary and direct effects of the human act whose object is to be defined. Effect of the human act is first of all the physical, biological, psychological changes which an act brings about. Yet these changes alone do not yield much for the moral evaluation of the act. The transfer of goods from one place to another, the destruction of a human life, the event of a sexual relation do in themselves not yet state anything about the moral qualification of the act which caused them. Also to be computed among the effects of the human act is the impact of the act on rights and claims of persons, whether of other persons or of the agent himself, and the changes the act brings about in this sphere, i.e. the dissolution, appropriation, suspension, creation or transfer of claims and rights.

Hence the object of a contract of sale is not only the physical transfer of goods from one place to another, but also the exchange of property rights attached to the goods. The object of an act of adultery is not only the physiological happening of intercourse, but also the assumption of marriage rights by partners who are not married with each other and the encroachment on the rights of a third person.

The object is generally regarded as the primary source for the judgement on the morality of an act. The most important aspect of an action seems to be the immediate effect which the action inevitably brings about in the objective order, independent of the intention of the agent and additional circumstances.

Catholic moral handbooks universally hold that the object of a human act can be morally good, evil or indifferent. Indifferent from the viewpoint of the object are, e.g., the taking of a walk or the playing of an instrument. But this does not mean that the entire action is morally indifferent; for its morality further depends on the circumstances and particularly on the intention of the agent. The circumstances and the intention also further modify the morality of an action with a morally good object, even to the extent of making the action in its totality evil, as shall be seen later.

Where the object of the human act is morally evil, as for example in a case of rape or of the killing of an innocent person, no purpose and intention of the agent, be it ever so good, can permit this act. This has been the common teaching of Catholic moral theology until recently. It presupposes the existence of moral absolutes, a question which has been referred to already earlier. Moral absolutes are prohibitions of actions which precisely on account of their object are considered absolutely and intrinsically

evil. Yet more and more theologians raise the question whether there are any external actions which are absolutely evil and therefore can never and for no good purpose whatsoever be allowed. These authors admit of actions which by the nature of their object are most of the time evil. Nevertheless, if the object of the action is viewed in isolation from the agent's purpose, it has as yet no definite moral qualification. Only if weighed together with the purpose or intention of the agent, can an unequivocal judgement on the moral quality of the action be pronounced.

This view has much in its favour. Many of the traditional absolutes are under discussion, a question which will be studied still more in detail below. Only few actions merit the qualification of absolutes with certainty, namely those acts which always contradict man's ultimate end, such as denial of faith, breach of the confessional secret and seduction of others to sin. No good purpose or intention of the agent can permit them. But in most other cases it is very difficult to show that no exception at all might be compatible with the demands of the ultimate end.

The traditional distinction between good, indifferent and evil objects of the human act is certainly not without foundation. The object of an act of almsgiving is something good and the object of theft is something bad. But recent theologians correctly point out that these distinctions do not yet constitute moral qualifications, but rather pre-moral ones. If a person gives alms in an irresponsible way to the detriment of his family, it is after all not a morally good act. And if the purpose of a theft is to save one's family from starvation, it is a lawful act in spite of the harm caused. Accordingly one ought to distinguish not between valuable and harmful objects in a moral sense, but rather between valuable and harmful objects in a pre-moral sense. There is a presumption that valuable objects merit to be favoured and harmful objects ought to be avoided. But a final judgement on the morality of the act is possible only under simultaneous consideration of the circumstances of the act and above all the intention of the agent.

II. The circumstances

The circumstances are particulars of the concrete human act which are not necessarily connected with its object. Alms may be given by a poor man or by a rich man, in private or in public. These circumstances can vary without modifying the object of the act of almsgiving, which always remains the same. Not all circumstances exercise an influence on the morality of an act. In fact most

of them are morally indifferent, e.g. whether the alms are given on a Monday or Friday, on the road or in the house. Circumstances are morally relevant if they increase or decrease good or evil effects or bring about additional effects of evil nature or at least are apt to occasion such effects with some likelihood.

It is to be noted that a particular condition of an act which is at one time merely a circumstance may at another time pertain to the object of the act. This is then the case when this condition is the basis for a right or an obligation in justice. The fact that an action is performed by a married man or in a church is usually a mere circumstance. But in an act of fornication the fact that a man is married enters into the object of the act, since his married status is the grounds for rights and obligations in justice, which are affected and changed about in this act. Therefore the act is not qualified as simple fornication but as adultery. Or if profane dances are performed in a church, then the circumstance that the place of the action is a church enters into the object of the act, since the consecration of this place to the worship of God establishes special claims of God over this place, which are tampered with in this act. Therefore the act is qualified as a sacrilege.

Generally the following seven circumstances are enumerated: who, what, where, with what means, why, how, when.¹⁾ The circumstances can alter the morality of human acts for better or for worse. In particular, circumstances can influence the morality of an action in the following ways:

(a) In the positive sense, a circumstance can make better an act good in its object. If a poor man gives alms, the act of charity is greater. A circumstance can make good an act indifferent in its object. The friendly manners of an employer in the relations with his employees impart to even his morally indifferent dealings with them a moral goodness. A circumstance can make less evil an act evil in its object. The denial of faith under threat of torture is less evil than the denial of faith for a promotion in office.

(b) In the negative sense, a circumstance can make worse an act evil in its object. To be guilty of detraction before several people is worse than to commit detraction before one person. A circumstance can make evil an act indifferent in its object. The playing of a radio may become evil if it is so loud that it seriously disturbs others. Finally, a circumstance can make less good or evil an act good in its object. Christmas carols, meant to cheer up old

¹⁾ They are listed by St. Thomas (STh I-II, q. 7, a.3), who quotes them from Cicero, in the mnemonic verse, quis, quid, ubi, quibus auxiliis, cur, quomodo, quando.

people, are a good work, but it is less good if they are badly prepared. The alleviation of pain by means of heroin is evil, in spite of its good object, since heroin is inadmissible as anodyne because of the imminent danger of addiction.

III. The end intended by the agent

The end (*finis operantis*) is the reason for which the agent undertakes an act. The agent performs the action for the sake of this end, which he expects or hopes to be the effect of his act. The end can therefore also be defined as that effect which the agent subjectively aims at in his action.

The end or effect aimed at by the agent in an action may be the same as the object of the action, in which case *finis operis* and *finis operantis* are identical. The immediate effect of the consumption of a greater amount of alcohol is drunkenness, i.e. a state of exhilaration and lessened concern. This object of the act can be the subjective end of the agent. But the agent may also aim at another, indirect or remote effect of his act, which in some cases may come about with certainty, yet which in other cases may only be possible and hoped for. A captured spy may kill himself in order not to betray any national secrets. The object of this act is suicide, and the end is prevention of betrayal of secrets. This end is an indirect effect of the act, which effect in this case will follow with certainty. Very often however the end aimed at by the agent is only hoped for and its realization is not certain. A bank robbery requires many preparatory actions, which all have the same, remote end. But the successful realization of this end is only hoped for and not certain. This latter example also illustrates that very often several acts proceed from the same intention and have the same end.

In place of "end" the term "intention" is also often used to name the third source of the morality of human acts. Intention is the plan or determination of the will to bring about a certain effect. The end on the other hand is the very effect which the will aims at. The term intention views an end as adopted by the will in order to bring it into existence, i.e. it views the end as a source of action. Whereas the term end only views the reality of the effect in itself, independent of the motivating force it exerts upon the agent.

The end modifies the morality of an act in similar ways as circumstances do. A good end can make better an act good in its object; it can make good an act indifferent in its object; and it can make less evil an act evil in its object. A bad end can make worse an act evil in its object; it can make evil an act indifferent in its object; and it can

make less good or evil an act good in its object. Yet if the good or evil end intended by the agent is identical with the good or evil object of the act, no further goodness or badness is added to the act.

In contrast to circumstances, which are often morally indifferent, the end is of relevance for the morality of every human act. Besides, the end frequently joins many diverse actions in one unity and imparts to all of them a common goodness or badness. Thus the end to help flood victims gives a common goodness to all the actions undertaken by the one who organizes a relief campaign.

In the moral evaluation of an act, the end therefore is of great importance. It has been stated that "the end is the primordial element of the structure of an action, because it is the proper object of the act of the will."¹⁾ There is truth to this assertion. Nevertheless some caution is in place. The proposition may not lead to conclusions which under-estimate the weight of the circumstances and particularly of the object in the moral evaluation of an act. Not what a man does is then considered important, but only the frame of mind in which he does it. Yet evidently a good intention alone is not sufficient. It cannot justify any means whatsoever.

There is one end indeed which, as the supreme criterion of the moral action, can justify any means. This is the ultimate end of man. However in his concrete actions man does not directly aim at the ultimate end, but rather at intermediate ends. Even if these ends are in harmony with the ultimate end, they do not on this account share in its character as an absolute norm and value. They constitute relative values. Therefore their realization is subject to conditions and limitations.

The construction of a church is certainly in harmony with the great concerns of the ultimate end, i.e. the furtherance of God's glory and the unfolding of his creative designs. Nevertheless this does not justify acquisition of the land for the church by a forged title and procurement of the money for the construction by a bank robbery. Even though the construction of the church is in harmony with the ultimate end, the means used for this purpose are more damaging to this end than the good results gained by the construction.

Accordingly the immediate, relative ends people are aiming at in their actions are just one element in the evaluation of the morality of an action besides the object of the act and the circumstances. All the elements have to be weighed in their proportion to each other and their fitness to serve the ultimate end. If in spite of a person's

¹⁾ Louis Janssens, "Ontic Evil and Moral Evil", in *Readings in Moral Theology No. 1*, ed. by C. Curran and R. McCormick (New York: Paulist Press, 1979), 42.

good intention an action becomes counter-productive to the ultimate end because of the object and circumstances involved, the action as a whole is not good but bad.

Even though many of the actions which men and woman do throughout the day may seem very insignificant in view of the comprehensive goal of the ultimate end, all actions have to be measured by this supreme criterion. All of them must remain in harmony with this end and in some way serve it. "This mandate", Vatican II correctly asserts, "concerns even the most ordinary everyday activities" (GS 34). If this harmony does not exist, an action is no longer good, it is morally wrong and, if not excused by invincible ignorance, sinful.

Time and again the importance of a good intention is emphasized in pedagogical writings. This is a valid concern. "Good intention" here refers to a more comprehensive motivation, such as the desire to serve God, to be faithful to Christ, to be a useful member of the community, etc. It surely is a strong inspiration for a person to do what is good in contrast to a selfish intention, which inevitably must result in many selfish and objectionable actions. Nevertheless a good motivation alone does not guarantee the moral rightness of all the actions motivated by it. Many offences and even crimes have been committed by the good intentions of religious fanatics of all colours. Here too the means used have to stand the test of the standards set by the ultimate end. Nor can a good intention dispense a person from the efforts to come to grips with the facts of reality, to know the nature of things and the rights of persons with which his actions are concerned, and to study the consequences which his actions entail.

A dispute exists concerning the question whether there are morally indifferent intentions and consequently *morally indifferent actions*, i.e. concrete human acts which are morally indifferent. (Note that this question only concerns human acts, i.e. acts which proceed from insight and free will, not acts of man, such as involuntary reactions, which are recognized as morally indifferent by everybody.) Many Fathers of the Church and the Franciscan School admit the possibility of indifferent human acts. But the majority of theologians, particularly the Thomists, reject the possibility of human acts which, taken in their concrete totality, are morally indifferent. For, thus they argue, a human act is directed either to an appropriate end and thereby is good, or to an inappropriate end and thereby is evil. There is no midway between these two alternatives. Certainly, for a full clarification of the problem a

more comprehensive study would be required. However the question seems not of great practical importance. Even the Franciscan School will admit that most of the concrete human acts are either good or evil. And it does not matter much whether in fact there are some human acts which are morally indifferent, since they do not affect a person's final goal and eternal destiny.

IV. Moral significance of the external act

The question is posed whether the external realization of an act is an additional source of its morality, i.e. whether it increases the moral goodness or badness of an action; or whether the morality of an act exclusively and entirely results from the internal consent and approval of the will. Is the person who wants to give an alms, but has his money stolen from him, therefore less good? Is another person who wants to rob a jeweller's store, but is prevented from it by an accident, therefore less bad?

Already common sense spontaneously judges that in the two above examples the good or the evil determination to the act count for the deed, although the external realization of the intended action was prevented by circumstances beyond the agent's control. Per se the external act does not increase the morality of the internal act. This is confirmed by Holy Scripture, which judges the evil desire of the heart to be as bad as an already performed act. Thus our Lord declares: "Every one who looks at a woman lustfully has already committed adultery with her in his heart" (Mt 5:28).

The reason is that moral imputability is based on a man's free consent. This consent is an internal decision, and the external act does not involve any additional approval. Naturally the internal consent must be a firm and efficacious determination to proceed to external action if the opportunity lends itself. It may not be a mere volition, as is very often the case with good as well as with bad desires. The volition is only a liking and an inefficacious desire, which is not truly resolved to proceed to the external realization of its object. Mere volition indeed gains a new moral weight by the decision of the will to put an action into effect. But this additional moral weight results from a new, internal consent and again not from the external act.

Per accidens however the external accomplishment of an act may increase its moral goodness or badness. Through repercussion on the will namely the interior acts may be intensified, prolonged, renewed and multiplied. And by no means may a morality of pure inwardness by construed, which emphasizes the inner intention in

such a way that little or no importance is given to its external realization. "Although the inner spirit is the heart of morality and its very light, its most evident proof and effective safeguard is action."¹⁾ Neglect of the opportunity offered and disregard of the occasion for the inner act to express itself externally in action is the sign of a half-hearted will, not truly resolved to good action (nor, of course, to bad action either). Such kind of good intention is not on par with the external good action. "Deprived of its external manifestation, the interior spirit of good is doomed to die. Of course, when there is no occasion to externalize inner sentiment and disposition or to put the inner resolution into execution, the interior act can be thoroughly genuine and deep. But ordinarily it will lack something of the vigilance and forthrightness of will which we find in the externally manifested good act."²⁾

From the preceding considerations on the moral import of the external act follows as a further conclusion that neither do external success or failure determine the value of an action. The preaching and apostolate of a dedicated missionary is equally praiseworthy, whether he has hundreds of conversions, as in some regions of Africa, or whether he has only very few every year, as in Japan.

External success does not add to the morality of an act. But this does not mean that a man can simply remain unconcerned about the success of his good ventures. For the resolute will to use one's abilities to the best in order to secure success does indeed add to the morality of an action. A parish priest's lame appeal from the pulpit to clean the neglected cemetery and to beautify it, which does not meet with success, is not of the same moral value as the energetic involvement of a priest who approaches his parish organizations for this project, recruits volunteers, contacts individual parishioners to do something for their deceased relatives, etc. The determined striving after the successful accomplishment of a work and the earnest will to realize the objective are very essential to the moral value of an action.

D. Imputability of indirectly willed effects

An effect is indirectly willed if it is not intended as an end or a means, but only foreseen as the result of a directly willed effect. The man who likes a glass of wine or brandy wants to enjoy the good taste of these drinks. But if he is a driver, who still has to

1) B Häring, *The Law of Christ*, vol. I, 1966, 193.

2) *Ib.* 193.

drive his car afterwards, the alcohol may have the side-effect of reducing the reliability of his reactions in traffic, so that he endangers himself and others on the road. This side-effect is by no means intended by the driver as the purpose of his drinking. It is also not the means to obtain the pleasure of a good drink (as for example a theft may be the means to buy a bottle of brandy). It is an indirect effect of the action, which is not intended by the driver, but for which he is nevertheless held liable. A driver must know of the consequences of alcohol for his traffic discipline and is therefore obliged to abstain from it. If he nevertheless drinks and drives, the ensuing evil effects are indirectly willed.

It is to be noted that in order to be willed, the indirect effect must at least dimly be foreseen. A man who until now never experienced the influence of alcohol over him and who becomes violent when drinking for the first time is not guilty of this unforeseen reaction.

I. Imputability of indirectly willed effects in general

A distinction must be made between the imputability of indirectly willed good and indirectly willed evil effects. The former are not imputed to the agent, while the latter are at times imputed and at other times not. This difference demonstrates that indirectly willed effects are distinct from directly willed effects, since the latter are always imputed to the agent, whether bad or good, while the former are not.

1.) An indirectly willed good effect is not imputed to the agent. The reason is that a human act must proceed from a man's internal consent, i.e. it must result from a decision of the will. The indirectly willed good effect is merely admitted by the will in a tolerating way, not intended or approved by it. A man who steals a typewriter may sell it cheaply to a poor student who otherwise could not afford to buy one. This a good side-effect of the thievery. But it is not imputed to the thief as a good work, even if he is aware of it, since this indirect effect did not motivate him at all when stealing the typewriter and selling it to the student.

2.) An indirectly willed evil effect, on the contrary, is often imputed to the agent; then namely when he could have avoided it and when he should have avoided it. The reason is to be found in the fundamental moral principle that good is to be done and evil to be avoided. A man is obliged to avoid the evil effects of his actions as far as possible. If he permits an evil effect which he is obliged to

avoid, he decided to disregard his obligation to avoid evil. Hence this evil effect owes its existence to a decision of his will, i.e. it proceeds from consent and is therefore imputable.

Everybody spontaneously judges actions and their effects according to this rule, even if he is not able to give a reflex justification of his evaluation. A drunken driver is considered guilty of the accident he causes. Factory owners are held responsible for the poisonous pollution of rivers. Mining industries are liable for insufficient safety measures. Producers of medicines have to account for evil side-effects of their products. None of these effects is directly willed, not as a means and much less as an end. They are merely indirectly willed, but they are nevertheless imputed to the agents because they could and should be avoided.

The question when an indirectly willed evil effect should be avoided and when, on the other hand, it need not be avoided but can be admitted leads to the so-called principle of the double effect, which shall be discussed in the following.

II. The principle of the double effect

This principle spells out the conditions when an indirectly willed evil effect is not imputed to the agent and therefore can be permitted. Traditionally four conditions are listed.

1.) The act may not be evil in itself, i.e. its very object must not be of an inadmissible, evil nature. Such objects according to Catholic moral theology are, for example, direct abortion, direct suicide, adultery, denial of faith, blasphemy, and a few others.

2.) The evil and the good effect must at least equally directly proceed from the act; or else the immediate effect must be good. It may never be evil. Thus, e.g., a haemorrhage in the uterus during pregnancy may be stanching by means of ergot preparations, which stop the bleeding through contraction of the uterus. The contraction of the uterus however also endangers the foetus, because in the course of this process the placenta may be sheered off. The same action results into two effects, a good and an evil one, both of which proceed equally directly from the act. More frequent are instances where the immediate effect is good, while a more remote, indirect effect is undesirable and evil. The direct effect of the anodyne morphine is alleviation of pain; but if taken for a longer period, morphine involves the risk of addiction, which is an indirect and remote effect of this medication.

The demand that the immediate effect must be good and may

never be evil is, in a last analysis, the same as the demand of the first condition that the act may not be evil in itself. For the immediate effect of an action is its object, and if this is evil, then the act is evil in itself. Ultimately therefore this second condition is only a further explication of the first and not a specifically different one.

3.) The intention of the agent must be good; i.e. the agent may not will the evil effect. The bombing of military objects during wartime often also involves the death of some civilians. This is an indirect effect of the bombing, whose direct purpose and object is the destruction of installations and plants of military import. Yet the agent may only intend the destruction of the military object, not the death of the civilians. Therefore, if the military object has been destroyed and some bombs are still left over, they cannot be dropped on the living quarters of civilians.

4.) A proportionately grave reason must be had in order to justify the admission of the indirect, evil effect. This requires that, first, a value at least equal to that sacrificed is at stake; and second, no less harmful way of protecting the value here and now is at disposal. The reason must be all the greater,

a) the graver the indirectly willed evil is. A graver reason is required to run with one's car into a man than to run into a cow.

b) the surer the evil will come about. The greater the possibility that an operation will not be successful but lead to death or to mental derangement, the more extreme the illness must be.

c) the more proximately the action leads to the evil. A graver reason is required to assist during an illicit operation (e.g. abortion) than to prepare the operating theatre before the operation.

d) the greater the obligation is to prevent the evil. A father has a graver obligation to keep his child away from bad company than an uncle or a neighbour.

As to the reason why, under the indicated conditions, evil effects can be admitted, moral handbooks generally point out that otherwise life would be unbearable. Much good could not be done because of possible evil side-effects of an action. Every electrical installation carries with it the risk of fire or death by faulty wires; every participation in traffic by land and air involves the danger of accidents; the benefits of big technology are accompanied by hazards to health and environmental pollution. If indirectly willed evil effects were never to be admitted, all these ventures could not be allowed, in spite of the good effects which they produce and which by far prevail. It would be unreasonable to subscribe to a

moral tenet of such an extreme nature.

III. Problems and controversies

The principle of the double effect has been the object of a lively controversy since the late 60's and early 70's.¹⁾ The question is raised whether the great importance attributed to this principle by Catholic tradition is justified and well-founded. With some surprise theologians have noted that the principle is the almost exclusive property of Catholic moral theology. A moral principle which is given so great importance by Catholic theology is widely unknown or even explicitly rejected as irrelevant by non-Catholic ethicists.²⁾

Yet it is to be noted that even in Catholic moral theology the principle is not of so ancient origin as its wide diffusion in the manuals of the last hundred years might lead one to believe. There is a reference in St. Thomas, it is true, in his treatise on self-defence, that an action can have two effects, the one willed and the other not.³⁾ But he does not derive therefrom a universal principle for the solution of moral problems. Much less do we find in him a formulation of the four conditions for the principle of double effect, commonly listed in the more recent handbooks. The first clear and express formulation of the principle is attributed to John a S. Thomas († 1644).⁴⁾ But only since the moral theology of J. P. Gury in the second half of the 19th century do moral theologians universally give a sufficient explanation of the principle and apply it in a general way to the whole realm of moral theology.⁵⁾

1) Some basic literature is the following: Cornelius J. van der Poel, "The Principle of Double Effect", in *Absolutes in Moral Theology?* ed. by C. Curran (Washington/Cleveland: Corpus Books, 1968), 186-210. *Doing Evil to Achieve Good*, ed. by R. McCormick and P. Ramsey (Chicago: Loyola Univ. Press, 1978). *Readings in Moral Theology No. 1: Moral Norms and Catholic Tradition*, ed. by C. Curran and R. McCormick (New York: Paulist Press, 1979). Bruno Schüller, "Das Prinzip von der Handlung mit Doppelwirkung", in *Die Begründung sittlicher Urteile* (Düsseldorf: Patmos, 1980), 181-196.

2) Bruno Schüller notes that apart from Paul Ramsey and Philippa Foot he could not find any non-Catholic author who made use of this principle ("Neuere Beiträge zum Thema 'Begründung sittlicher Normen'", in *Theologische Berichte IV*. Einsiedeln: Benziger, 1974, 126, footnote).

3) S. Th. II-II, q. 64, a. 7.

4) J. Ghoos, "L'acte à double effet. Étude de théologie positive", *Ephemerides Theologicae Lovanienses* 27 (1951), 51.

5) Joseph T. Mangan "An Historical Analysis of the Principle of Double Effect", *Theological Studies* 10 (1949), 59.

Why is the principle controversial and what are the problems surrounding it?

A first difficulty results from the questions raised in view of the traditional teaching on moral absolutes. According to the principle of the double effect, an evil effect is only then admissible if this effect is not the immediate result of the action, i.e. if the action is not evil in itself. This doctrine presupposes that there are certain actions which are always and absolutely evil, independent of any possible justifying intention of the agent. Such absolute prohibitions are, for example (besides those already mentioned earlier), direct killing of the innocent, direct abortion, direct sterilization, lying, masturbation, contraception, bestiality, blasphemy, and some others. Catholic tradition asserts that they are intrinsically evil (*intrinsece malum*) and never permissible.

But recently doubts have been expressed, also among Catholic theologians, whether there are any external actions which are absolutely evil in themselves and therefore never permissible. A large number of Christians, writes John Milhaven, fail to see how a specific external action (as abortion or sterilization) can be condemned absolutely. "They see how a specific kind of action could be condemned generally, that is, in most cases, because the action generally does serious harm and relatively little good...But it is the possibility of an absolute condemnation of any physical action, a condemnation applying in advance to all possible cases without exception, that leaves many a contemporary Christian ethicist uncomprehending."¹⁾

The moral judgement, argues C. van der Poel, is to be "made not so much about a human act in itself as a separate entity, but rather the individual human act should be evaluated insofar as it contributes to or destroys the building of the (human) society."²⁾ Moral theology cannot be under the sway of several absolute values and imperatives. There is an absolute norm, but it is only one: God and the directedness of creation to him.³⁾

In fact, as already mentioned above, also traditional moral theology knows of only one supreme norm, absolute in its own right, just as there is only one ultimate goal of man. This supreme norm is the wholehearted love of God and neighbour. The ultimate criterion for the moral value of an action is whether it contributes to God's

¹⁾ John G. Milhaven, "Moral Absolutes and Thomas Aquinas", in *Absolutes in Moral Theology*?, I. c. 156.

²⁾ Cornelius J. van der Poel, "The Principle of Double Effect", in *Absolutes in Moral Theology*?, I. c. 192.

³⁾ *Ib.* 206.

creative and salvific plan or not; whether it promotes the human community in accordance with God's call or not. However traditional moral theology upholds that there are certain actions which are always opposed to this ultimate norm and which are therefore always and absolutely evil.

The problem, therefore, seems to boil down to the question whether it can be proven that certain actions always contradict the ultimate norm of love of God and neighbour or not. Each of the moral absolutes would have to be examined individually. Such an investigation would lead too far in this context and must be left to the respective treatises. Nevertheless, some general observations and remarks can be adduced here. One can notice that the number of moral absolutes has slowly decreased in the course of time. More precise studies repeatedly led to the admission of exceptions where before it seemed no exceptions were admissible. St. Thomas Aquinas still considers the moral principle "one should not steal" as an absolute.¹⁾ The despoliation of the Egyptians by the Jews (Ex 12:35f) is for him a theft which only became justified because of an explicit command of God.²⁾ Today moral theology would consider it an occult compensation, which is lawful.

Among the traditional absolutes is the prohibition of lying. Moral handbooks commonly hold that it is never allowed to tell a lie, not even in order to defend an innocent life. Yet especially in the last decades a considerable number of moral theologians expressed doubts with regard to the absolute character of this prohibition and admitted exceptions.³⁾ Another absolute is that of direct mutilation of one's body. It is asserted that one may permit such a mutilation only indirectly in order to save the health or life of the entire body. But at least in the case of organ transplants, this absolute has now been generally abandoned by Catholic theologians.⁴⁾ Again, direct abortion is judged as absolutely inadmissible. Yet some doubts have always persisted among moral theologians as to the admissibility of therapeutic abortion in extreme cases, and an ever growing number

1) In X Libros Ethicorum, 1018, 1023 and 1029.

2) S. Th. I-II, q. 94, a. 5; q. 100, a. 8, ad 3; II-II, q. 104, a. 4, ad 2.

3) E. g. A. Vermeersch, J. Ubach, Varceno-Loiano, Genicot-Salsmans, Tanqueray-Steven, and others (cf. *Christian Ethics*, vol. II, the historical summary concerning the lie).

4) Cf. the very instructive article by John Gallagher, "The Principle of Totality: Man's Stewardship of His Body", in *Moral Theology Today: Certitudes and Doubts*, ed. by the Pope John Center. Saint Louis, Mo.: The Pope John Center, 1984, 217-242. Several statements of Pope Pius XII seemed to exclude the possibility of organ transplants inter vivos, e.g. AAS 44 (1952), 782, 786f; 45 (1953), 747; 48 (1956), 461f; 50 (1958), 693.

of Catholic theologians permit it.¹⁾

In view of such developments in moral insight, which repeatedly have shown the limitation of past moral judgements, G. Visser comes to the conclusion that it is extremely difficult to formulate moral norms of absolute character. "Doubtless in the past one was too easily inclined to believe that one could formulate them in notable quantity."²⁾ Naturally, to the extent that the number of moral absolutes shrinks, to that extent the first and second conditions of the principle of the double effect lose in importance and become superfluous.

A second difficulty against the principle of the double effect arises from the distinction between direct and indirect as morally relevant criteria for the unlawfulness or lawfulness of actions dealing with the traditional absolutes. According to the principle, directly willed evil effects are never permissible, while indirectly willed effects at times are. E.g., direct therapeutic abortion is never permissible, while indirect therapeutic abortion is. What are the reasons?

The arguments which justify the permissibility of indirectly willed evil effects under certain conditions are the following. If it were never allowed to admit indirectly willed evil effects, life would become unbearable, much good could not be done, and it would be unreasonable to act in a contrary manner. These are valid considerations. But the question arises: would these arguments not hold true also for some instances of directly willed evil effects? If a mother who is in the fifth month of her pregnancy falls sick and if her life can be saved only by a therapeutic abortion, would it not likewise be unreasonable to let her die together with the inviable child? Does this not also mean that a great good is not done? True, one could argue that life does not become as unbearable for the human community as a whole as when indirectly willed evil effects were never permitted, because the instances in which directly willed evil effects might seem justified are much rarer. But is this difference in degree a

1) E. g. R. Troisfontaines, the Belgian Bishops, G. Visser, B. Häring, H. Rotter, L. Janssens, F. Böckle, and others (cf. *Christian Ethics*, vol. II, "The problem of direct therapeutic abortion").

2) Giovanni Visser "Aborto diretto sempre illecito?", in *Problemi attuali di teologia*, ed. by the Pont. Ateneo Salesiano in Rome (Zürich: PAS Verlag, 1973), 93. The author, who argues for the admissibility of certain types of therapeutic abortion, still refers to another absolute of the past which had to yield to new insights. For a long time the use of contraceptive, sterilizing drugs was considered absolutely forbidden. But today many moralists grant at least one exception. Women who are confronted with an imminent danger of rape, e.g. in the event of military invasions, may use them in order to protect themselves against forcefully imposed conceptions (ib.).

conclusive argument? Is it not also morally unbearable for those concerned to let the mother die together with the child and not at least to save the mother?

Besides, it causes surprise that the entire reasoning limits itself to an argument of posteriori, which justifies the principle of the double effect only by the absurd consequences of the contrary. This argumentation seems rather scanty and does not fully satisfy. Is there no possible argument a priori which could be called upon? The argument which spontaneously offers itself is that in a conflict between two evils one must opt for the lesser one. However this argument would also hold, even more manifestly than the above argument a posteriori, for some instances of directly willed evil effects, such as the mentioned example of therapeutic abortion. The directly willed evil effect of a therapeutic abortion is in terms of detriment to human life and to the good of God's creation a lesser evil than the death of mother and child together. In fact various authors hold that the problem of the admission of evil effects should, in the last analysis, be resolved by means of the principle of the lesser evil and by the use of proportionate reason. In whatever way one judges the validity of such a procedure, the justification of indirectly willed evil effects presents problems which have not been satisfactorily settled and which need further study and clarification.

On the other hand, the warning of Holy Scripture must not be forgotten but must be taken most seriously: that we should "not do evil that good may come" (Rom 3:8). The mere fact that the purpose of an action is good does not already justify any kind of means. If the evil caused by the means is greater than the good realized by the purpose of the action, then it can never be allowed.

Recent theologians who propose a *revision of the principle of the double effect*, although not all give the same reasons, are P. Knauer, L. Janssens, J. Fuchs, B. Schüller,¹⁾ C. van der Poel,²⁾ F. Scholz,³⁾ R. McCormick,⁴⁾ T. O'Connell⁵⁾ and W. Korff.⁶⁾ The

1) *Readings in Moral Theology No. 1*, l. c. 19 (Knauer), 68f (Janssens), 120-2 (Fuchs), 143f (Schüller).

2) C. van der Poel, "The Principle of Double Effect", l. c. 197f; 205.

3) Franz Scholz, *Wege, Umwege und Auswege der Moralthologie* (München: Don Bosco Verlag, 1976), especially 124-6.

4) R. McCormick, in *Doing Evil to Achieve Good*, l. c. 262.

5) Timothy E. O'Connell, *Principles for a Catholic Morality* (New York: Seabury Press, 1978), 170f.

6) Wilhelm Korff, "Ethische Entscheidungskonflikte: Zum Problem der Güterabwägung", in *Handbuch der christlichen Ethik*, vol. 3, ed. by Anselm Hertz et alii (Freiburg: Herder, 1982), 87f.

permission of evil effects would be ruled only by the third and fourth conditions of the principle (or perhaps even only by the fourth one),¹⁾ namely, that the intention of the agent be good and that a proportionately grave reason be had. In fact, so they advance as a further consideration in their favour, by far the greater portion of situations involving evil effects has been solved also by traditional moral theology with the help of these two conditions only; note the vast realm of damages to property or the areas of promise keeping, preservation of secrets, obedience to legitimate authority, etc.

In the context of the above discussions, the validity and moral relevance of *the distinction between directly and indirectly willed evil effects* has sometimes been questioned and denied. But such a conclusion overshoots the mark and does not do justice to the facts. There is certainly reason to presume that a distinction which has so widely been used by Catholic moral theology is not without some moral significance. Rightly it has also been pointed out that common sense takes it for granted that such a distinction exists.²⁾ If a bombing raid on a military object causes the loss of some civilian lives as a side-effect, this is not imputed to the army men in the same way as if they had killed the civilians directly to undermine the morale of the enemy. Or if the brakes of a car fail and it dashes into a house in order to stop, this is not imputed to the driver in the same way as if somebody had destroyed the house deliberately in an act of sabotage.

There is indeed a morally relevant difference between directly and indirectly willed evil effects. Indirectly willed evil effects are more readily justified than those directly willed. The reason is that directly willed effects are aimed at with deliberate purpose and definite determination, so that they come about with greater certainty. If civilians are killed in order to undermine the morale of the enemy, their death is deliberately sought out, with the result that they will surely die. The indirectly willed evil effect, on the other hand, is not pursued with the same singleness of mind and firm determination to bring it about. Therefore it usually comes about with lesser certainty

¹⁾ Some authors believe that the third condition, namely that the intention of the agent must be good, is already implicitly contained in the last or fourth one. But it still seems meaningful to state this condition expressly. A physician whose main objective is fame will much sooner find proportionate reasons to justify doubtful experimentation with human beings than another whose main objective is the good of his patients. And even if his external actions agree with the demands of objective morality, i.e. if they are morally right, the flaws of his intention make them morally defective; i.e. they are not morally good.

²⁾ Cf. Augustine Regan, "The Accidental Effect in Moral Discourse", *Studia Moralia* 16 (1978), 102f.

and in a more accidental way. In a bombing raid which aims at the destruction of a military object, it is not at all certain how many civilians may die. Surely fewer will die than if the bombing had civilians as its direct aim. Or if a car dashes into a house because its brakes have failed, the damages caused are more accidental and usually less extensive than if the damage had been directly intended in an act of sabotage.¹⁾

Furthermore, since indirectly willed evil effects are not planned and sought out by the agent but rather forced upon him by unfavourable circumstances, they more often involve factors which diminish imputability. The fact that the brakes of a car fail, for example, does not leave the driver with much choice other than to cause some damage on his way, if he wants to save his life.

As a rule of thumb, therefore, indirectly willed evil effects are more readily allowed. The reason is that they usually come about with less certainty and are pursued and aimed at with less determination of the will. Nevertheless the superior purpose of the ultimate end can also at times permit directly willed evil effects, more readily those of a material nature, but at times also those of a biological and psychological nature. (An evil effect of a psychological nature, e.g., would be the deception caused by a lie.) But since as a rule they bring about greater evil than indirectly willed evil effects and are caused with greater freedom of will, it stands to reason that such instances will be much rarer.

E. Basic intention and existential choice

The importance of a good intention has already been pointed out above. Here an intention is to be dealt with which is of particularly great importance for a person's moral actions, namely his "basic intention". This is a comprehensive and basic orientation of a person's life, which results from his fundamental option. It shall be the subject of the following reflections.

Human actions do not constitute a plurality of isolated, disconnected good or sinful deeds, which can be sufficiently understood and judged each by itself. They have usually their roots in basic decisions which give purpose and determination to the whole of man's life.

¹⁾ It is in line with these observations that R. McCormick expresses the view that the distinction between direct and indirect continues to retain a certain moral relevance, although the difference between the two be only a gradual one. Correctly he argues that "an intending will represents a closer relation of the agent to the disvalue and therefore indicates a greater willingness that the disvalue occur" (*Doing Evil to Achieve Good*, l. c. 263; cf. also B. Schüller, ib. 190f).

This is so because life is a coherent task, which man has to accomplish. Life is the creative moulding of one's personality and of one's environment. Such a creative task is not realized in many independent, separated decisions, but on the basis of a fundamental, existential blueprint and of a unifying design of one's life work. This basic design decides in principle which actions will be preferred or admitted or rejected.

The decision by which a person embraces this basic orientation can be termed existential choice, fundamental option or core decision. Only decisions of this nature constitute morally grave acts, apt to bring about that total commitment to goodness and holiness which Christians call the state of grace or that radical refusal of a person's true destiny which is called mortal sin. In the existential choice a person decides which value he will adopt as the supreme value for his life. On the basis of this fundamental decision he will henceforth make his preference choices.

This understanding of the existential choice should not be confounded with that theory of the "fundamental option" which reduces mortal sin to an explicit and formal contempt for God and neighbour. Such a tenet has rightly been rejected by Pope John Paul II in his recent apostolic exhortation "*Reconciliatio et Paenitentiae*". "For mortal sin exists also when a person knowingly and willingly, for whatever reason, chooses something gravely disordered. In fact, such a choice already includes contempt for the divine law, a rejection of God's love for humanity and the whole creation: the person turns away from God and loses charity."¹ Indeed the wrong existential choice will usually not have the character of an explicit contempt for God and neighbour, but rather consist in the total conversion to values of limited nature, such as possessions, fame, power or pleasure. Naturally a contempt for God is implied, insofar as temporal values are preferred to him who is the supreme value, but it is of indirect nature. Nevertheless such an indirect contempt for God is a mortal sin as well.

To be distinguished from this are the particular choices (also called categorical options or choices).² They are choices concerned with the concrete ways and actions fit to express and realize a person's existential choice in his day to day life. Since however in man many different dispositions, inclinations and influences are at work, the particular choices will not always and necessarily be in harmony

¹ *Reconciliatio et Paenitentiae*, no. 17; Vatican City: Libreria Editrice Vaticana, 1984, 63f.

² Cf. Enrico Chiavacci, *Teologia Morale I: Morale generale* (Assisi: Cittadella, 1979), 51.

with the existential choice. Nevertheless as long as an existential choice is earnestly adhered to, it will also have a decisive influence on most of the particular choices a person makes.

The difference between existential choice and a person's concrete, daily acts is also meant when Scripture says that God looks not only at man's deeds but also at his heart and that he will recreate man by giving him a new heart (Prov 21:2; Ezek 11:19; 36:26; Joel 2:13); or when Christians are exhorted to put on Christ and the new nature created after the image of God as the source of all virtues and good works (Rom 13:14; Gal 3:27; Eph 4:22-24; Col 3:10). It is likewise a matter of the relation between existential choice and particular choices when Paul speaks of sin in the singular and of sinful acts in the plural (Rom 5-7).

In the concrete reality of life, the existential blueprint adopted in a core decision always remains somewhat indeterminate and open to different possibilities, naturally more so in young years than in old age. At every stage of life, man has to search which further potentialities he will develop and realize. Since this is not clear from the very beginning and since he is confronted with a multiplicity of tendencies and attractions and desires, he will not always right away find his definite course. He will often try in directions which he later abandons, once he becomes fully aware of all the consequences they involve. Sometimes he will just experiment carelessly without deeper reflection or serious intent. This all explains the possibility of wrong steps even where the basic choice is right, and vice versa.

There also exists the possibility of changing a former existential blueprint and basic design into a different one by continuous, contrary decisions and acts, be it to the better as in conversion, or be it to the worse as in dereliction of God, which is the state of mortal sin. The time of transition will be characterized by tensions and contradictions until the decisive, basic choice is made.

An existential choice is brought about by a profoundly good act or by a mortal sin. This does not mean, however, that once a person has made an existential choice, no further act of grave moral nature can be set, as long as the existential choice is not changed. Rather acts which repeat and renew the good or vicious option in a radical way are profoundly good acts or mortal sins again.

As a rule an existential choice will be brought about by an act concerned with a grave matter, be it an act of great generosity, e.g. renunciation of a hateful revenge against an enemy, or of great evil, e.g. perversion of justice by bribery of a judge. Actions

concerned with a light matter will usually result only in peripheral confirmations of a good or vicious core decision and therefore be good acts of a light nature or venial sins.

Finally actions which are inconsistent with the existential choice, but not intense enough to change it, are for that very reason, if good acts, only good acts of light nature or, if evil acts, only venial sins. The aid given to a poor man by a person with a basically selfish orientation is a welcome inconsistency, but as long as it does not change his existential orientation, it remains a good act of light nature only. On the other side, the thievery of a person who is otherwise given to a good existential orientation will only be a venial sin, as long as the offence is not intense enough to alter the orientation.¹⁾

Moral theology was always aware that the gravity of the external deed and the intensity of the internal, moral commitment do not necessarily run parallel. Especially in the treatment of sin this insight has been unfolded. Handbooks always caution that the externally grave or light matter is not necessarily the sign of an internally mortal or venial sin (because insight or consent of free will can be deficient). Today this insight is given still greater emphasis, and it is also more clearly applied to good actions. The external offence against God's law is not an entirely unequivocal sign of the internal disorder and state of sin. The same holds of the externally good act and the internal state of grace. The external actions allow approximate conjectures as to the internal state of a person, but they do not give certainty about it. Particularly isolated, individual acts do not permit such conclusions as to the internal state of a person. "Accordingly the moral disposition of a man is not gathered from individual actions, but only from the succession of different actions, i.e. from the history of this person."²⁾

According to Scripture man is not only forbidden "to make absolute assertions about the real state of a person deep down and in the sight of God, but he also cannot and is not allowed to pass an absolute judgement on himself and declare himself to be either absolutely justified or an absolute sinner, in the sense of declaring that a justifying or sinful act has certainly taken place here and now. Thus, the constitutive sign on which such a judgement would

1) "If the momentary failure, even in grave matters, is not preceded by a series of offences of infidelity to God's grace, and not followed by a substantial weakening of the good direction, then there is at least a high probability that the sin of weakness was not mortal, although it might have been a *grave venial sin*" (B. Häring, *Free and Faithful in Christ*, vol. I, 1978, 214f).

2) Hans Rotter, *Grundlagen der Moral* (Einsiedeln: Benziger, 1975), 80.

have to be based, cannot be so absolutely unequivocal that it allows him to pronounce such a judgement before the divine tribunal.”¹⁾ With this agrees the declaration of the Council of Trent that no one has a certain knowledge of the state of grace (DS 1533f). The knowledge of the heart is reserved to God alone.²⁾

This, however, does not exclude the fact that a grave external offence is a sufficient basis for certain obligations concerning practical duties, as e.g. the duty to confess one’s grave sins, to make restitution, to comply with civil or ecclesiastical penalties.

¹⁾ Karl Rahner, *Theological Investigations*, vol. II (Baltimore: Helicon Press, 1963), 276.

²⁾ Cf. St. Augustine: “Now what sins are trivial and what are grave it is for divine judgement, not human judgement, to decide” (*Enchiridion de fide, spe et caritate*, no. 78).

Chapter V

THE MORALLY BAD ACTION : SIN

Man is bound to strive after the ultimate end and not to offend in any of his actions against it. Therefore he acts badly if he disregards the obligations of the moral law and the commands of his conscience, which are meant to assure the attainment of this end. Such a bad human act is sin. It is the freely willed infringement of the moral law. (Moral law is here understood in the wider sense as also including those personal obligations which result from a strictly individual call.) Since biblical and Christian thinking considers God as the author of the moral law, the disregard of the moral law is always at the same time an offence against God. From this point of view sin can be described as disobedience against God's will and as an offence against him (cf. SC 109).

The infringement must be freely willed, i.e. it must occur knowingly and with free consent. Only then is wrongdoing a formal, imputable sin. An unintentional, involuntary offence against the moral law is not sufficient to constitute a subjective, imputable sin. In pagan antiquity it was held that a person could be guilty without knowing it (cf. Oedipus and Iokaste).¹⁾ Even animals could sin by violation of sacred taboos. This fatalism of sin and guilt was lifted off men's shoulders by Christianity. Although an involuntary offence must still be considered as a disorder which ought not to be and which therefore ought to be remedied, it does not constitute an imputable fault for the individual and is only a material sin.

Since there can be no guilt without a free human act, the

¹⁾ Laios, the king of Thebes, received the oracle that he would be killed by his son. Therefore, when his son Oedipus was born to him, he had the child exposed. Shepherds found the child and brought him to Corinth, where he grew up. In the search for his true parents, he unknowingly killed his father in a fight. Having solved the riddle of the Sphinx, his mother Iokaste, queen of Thebes, was given him in reward to be his wife. When a pestilence broke out in the town, the seer Tiresias revealed the involuntary guilt. Iokaste hanged herself and Oedipus blinded himself in expiation for their "sin".

There are also some traces of such a mentality in the Old Testament. Lev 4-5 and Num 15:22-29 prescribe guilt offerings for unwittingly committed sins. And Uzzah, who put out his hand to prevent the ark from falling, was smitten for his unintentional sacrilege and died beside the ark (2 Sam 6:6-8).

notion of collective guilt must be rejected, unless it means that the members of a community are guilty of an injustice into which they were drawn through their own choice or at least through their negligence and indifference.

Among modern men, a dwindling of the consciousness of sin can be noticed. Especially the sense for sin as an offence against God wanes. For where the faith in God as creator and redeemer vanishes, the awareness of sin as disobedience against him must vanish as well. And where autonomous man becomes the measure of all things, sin as an offence against a superior, divine authority is irrelevant. Still other facts contribute to dull the sense of sin and moral fault, such as the absorbing force of the anonymous masses, the determinist theories of certain psychanalytic schools, or the revolt against a morality which — rightly or wrongly — is rejected as too narrow-minded and too rigorous.

On the other hand, there are also factors of a positive nature, which contribute to a sharpened sense for the wiles of evil in the hearts of men. Wrongdoing and human malice are too obvious phenomena as to be simply disavowed. Man is anguished by the menace of evil and by its terrifying power. The misery of sin and guilt occupies a large place in modern literature and philosophy, which trace human wretchedness, depravity and malice down to their most secret roots and unmask their intrigues in the conscious and unconscious depths of the human soul. Another positive factor, contributing to a deepened sense of moral offences and injustice, is a greater alertness for personal and social responsibility.

“Christianity is opposed to the unhealthy illusion of innocence that has become so widespread in contemporary society and to the practice of attributing guilt and failure, if their presence is acknowledged at all, to others and other causes... We attribute successes and victories to ourselves, but for the rest, we cultivate the art of denying our human condition” and are always in search of new alibis.¹⁾ Change of heart and healing is possible only through honest recognition and admission of guilt.

A. Nature of sin

The concept of sin is very closely related to that of guilt. Sin and moral guilt designate the same reality, though under different aspects. Sin always involves moral guilt, and moral guilt always

¹⁾ Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland, *Beschlüsse der Vollversammlung*, I (Freiburg, 1976, 93); quoted by Franz Böckle, *Fundamental Moral Theology* (New York: Pueblo Publ. Co., 1980), 94.

presupposes sin. Both always exist together. Sin expresses the truth that a wrongful act is morally evil and an offence against God. Guilt on the other hand denotes the fact that a man is liable for the evil he has done and that it is attributed to him as the responsible agent.¹⁾

Moral guilt must be distinguished from guilt feelings. Depth-psychology in particular has called attention to this fact. Guilt feelings can also be the result of unwarranted prohibitions of the superego, resulting from wrong education and social taboos, or of morbid psychic dispositions. They are therefore not unequivocal signs of moral offences. On the other hand not every feeling of guilt is morbid. The more tender a person's conscience, the more readily will it react with guilt feelings at a person's sins. Nevertheless not every moral guilt is accompanied by guilt feelings, especially if a person's conscience is dull. This however could hardly be elevated to an ideal. To the extent that guilt feelings are irrational, they call for treatment indeed. It is here that psychotherapy has a genuine task. But authentic guilt feelings definitely have a positive function, and it cannot be the aim of psychotherapy also to eliminate them.

I. Biblical delineation of sin

Guilt and sin play a significant part in Holy Scripture, although it does not present an explicit nor a complete theory of sin. The Bible always conceives of sin in the framework of man's relationship to God. Its deepest nature appears as refusal to respond to God's initiative of love. For the Greeks, sin was an error, an ignorance or a foolishness, by which man harms himself. Their understanding of sin is entirely different from that of the Bible. For the latter, sin is an offence against God and unfaithfulness to him. The history of mankind is seen precisely as the history of a falling away from God through sin and, thanks to God's mercy and grace, a turning home to him. Sin therefore is a primary presupposition of the Old Testament, especially of the prophets, and the gospel of Jesus Christ. From the earliest beginnings of the Church, salvation is proclaimed as forgiveness of our sins through the death and resurrection of Christ.

a) The *Old Testament* often looks upon sin as a transgression of God's law and will. The root most frequently used for sin (*hata*) expresses the idea of missing an aim or of falling away from a known path. Sin then is the bypassing of a rule, its transgression. It is

¹⁾ Cf. Hermann Fischer, "Der Schuldbegriff im Kontext heutiger theologischer Anthropologie", in *Handbuch der christlichen Ethik*, vol. 3 (Freiburg: Herder, 1982), 166.

disobedience against the commandment of the Lord (Deut 28:15-68; Jer 3:25). The third chapter of Genesis describes Adam and Eve's sin in paradise as the deliberate transgression of a divine order. Internally their rebellion against God proceeded from the presumptive desire to have and to be more than God had conceded them. The result was a rift between God and men (cf. also Is. 59:2). It is noteworthy that already the sin of the first parents was mitigated by the fact that they had been tempted and seduced by an evil power (as is typical of man's situation in this world); yet nevertheless Scripture regards the offence in principle as a free, imputable act. On other occasions, sin is regarded as hatred towards God. The sinner is "one who hates Yahweh" (Ex 20:5; Deut 5:9; Ps 139:21)

The most characteristic outlook of the Old Testament on sin results from the covenant relationship, which Scripture sees established between God and man. Sin is considered as forgetfulness of the God of the alliance (e.g. Jer 3:19-25; 16:10-13; Hos 1-3; Ezek 16:59), as turning away from him and as ingratitude (also Is 1:2-4; Am 3:2). God offers man his benefits and his grace again and again. In response he expects man to be faithful to his commandments. Yet man does not live up to this expectation. He disobeys God's commandments and breaks the covenant. Thus he sins against Yahweh and provokes his anger and punishing wrath. Yet the Lord is always ready for mercy and reconciliation if man repents of his evil ways. This is a constant theme in the history of salvation. It finds its continuation in the New Testament and culminates in Christ.

b). *The New Testament* calls upon man in all its books to repent of his sins and to convert his heart and ways. Jesus purifies and deepens the concept of sin inasmuch as he recognises only moral and not cultic transgressions. The heart is the place where evil is wrought. It is not purification of vessels but interior purity that is required (Mk. 7:1-23; Mr 23:25f).¹⁾

In the parable of the lost son, sin is considered as ungrateful dissension of the Lord. Such headstrong separation is of no avail to the sinner. He rather brings harm and ruin upon himself. Here as in other parables "it is manifest that sin is represented by the element of total deprivation, deprivation of the very meaning of existence by separation from God. The lost sheep is perishing in

¹⁾ Cf. Karl Hermann Schelkle, *Theology of the New Testament*, vol. III: *Morality* (Collegeville, Minn.: Liturgical Press, 1973), 55.

isolation, and, more than this, has thwarted the very meaning of his life, namely to be of service to man. The same applies to the lost drachma" (Lk 15).¹⁾ He who separates himself from the luminous will of God is lost and frustrates the very meaning of his existence.

At other times sin is presented as the antithesis to charity and an offence against love, i.e. as selfishness and hatred (Lk 7:47; 1 Jn 4:7f.20f). In the writings of John and Paul, sin is regarded as refusal of the light (Jn 3:19f; 8:12; 1 Jn 2:8-11; Eph 5:8-14) and of the truth (Jn 8:44; Rom 1:18.25), and therefore as darkness and lie. It is lawlessness (1 Jn 3:4; 2 Thess 2:3.8) and disobedience against God (Eph 5:6).

The epistles of Paul add further aspects to the biblical concept of sin. He sees in man's wickedness a denial of the glorification due to God and the presumptive attempt to be one's own lord (Rom 1:18-32). The sinner lives in enmity against God. "For the mind that is set on the flesh is hostile to God; it does not submit to God's law, indeed it cannot; and those who are in the flesh cannot please God" (Rom 8:7f; cf. 5:10; Eph 2:14; Col 1:21). Therefore sinners are excluded from the kingdom of God (1 Cor 6:9f; Gal 5:19-21). If the state of grace is characterized by the presence of the Holy Spirit, the state of sin is a life in the flesh deprived of the Spirit (Rom 8:1-17). The Christian ought to be a temple of the Holy Spirit, but sin desecrates it, and that is why it is so abject (1 Cor 3:16f; 6:19f).

Christ came to save man, to offer him divine forgiveness and to make of him a child of the kingdom. The life and passion of Christ is the combat of the servant of Yahweh against the power of evil. He reveals himself as the saviour of sinners (cf. Mt 9:13; Lk 15; 19:10) and is "the lamb of God, who takes away the sin of the world" (Jn 1:29). Through faith and baptism man participates in the conquest of sin by Christ, if he lets himself be guided by his Spirit. Yet failure and sin are not excluded in the life of a Christian either. Therefore Christ calls to conversion, renunciation and love, and charges his Church to continue the forgiveness of sins on earth. The battle between Christ (and now his Church) and Satan, between light and darkness, good and evil is to continue to the end of time. But the evil spirits and the power of sin are wounded mortally in the death and resurrection of Christ.

¹⁾ Johannes B. Bauer, "Sin", *Encyclopedia of Biblical Theology*, vol. 3, 1970, 853.

II. Theological reflection on the nature of sin

The possibility of sin lies in the character of man's free will during his earthly pilgrimage. In all his free activity, man necessarily strives after goodness. The attraction and impulses emanating from the beauty and felicity of goodness in general is the enabling principle of all human activity. This is apparent from man's incessant and overmastering search for fulfilment, for happiness, for value, for all that is good. Indeed man is so bent on this good that even where he wants to do evil he can do it only under the appearance of good.

The possibility of declining from the true good and of deciding for the illusory good of sin results from the fact that the finite reason and will of man can never grasp the infinite good fully and completely. In concrete reality, good in general is always encountered in particular goods, towards which a certain indifference is possible. So man can deceive himself. He can regard the true good as less valuable and prefer a lesser or illusory good, even while he knows in the depths of his conscience that it is only a transitory, evanescent value and not the real, lasting good. This is the contradiction inherent in sin.

Every sin contains a triple injury: an injury against God, against fellowmen as well as human community, and against the sinner himself. This does not signify that in each sin man has the psychologic experience of this triple offence. But on the ontological level, this triple injury is always effected.

1. *Sin as rejection of God*

Sin is first of all and essentially rejection of God and his divine plan. This needs special emphasis today, because people have largely lost the sense for the religious dimension of sin and are inclined to deprive sin of it and to ignore it. They regard sin from points of view not simply wrong but at least incomplete, if not shallow, since only centred around man alone. Thus sin is considered as the falling short of the ideal of a gentleman or of any other personal or social image of what is decent and becoming and smart. Others would like to limit sin to social offences, i.e. to harm and injury caused to one's fellowmen. Again, from the side of depth-psychology in particular, sin is looked upon as the refusal to accept one's true self, whereby the authentic self is differently conceived by the different schools.

Sin certainly has a personal and social dimension. Neverthe-

less it must not be separated from the deeper, religious dimension, which is the basis for the other dimensions and from which they lastly derive their genuine standards of value. Before anything else, there exists God, and every other being only exists because he wills it and for the purpose he has decreed for it. He has created world and man. He has redeemed him. He has set him his task and goal. The sinner's attempt and undertaking is to ignore and to reject the structures established by God and to draw up goals for his life according to his own liking. The injury against God contained in sin results from this defiance.

The rejection of God and his aims by the sinner disturbs and breaks a fundamental relationship. This rupture can be viewed under different aspects. In sin man refuses to accept his dependence on God, which demands that he orientate himself with unwavering determination towards the divine goals. He denies the obedience which he owes God as the supreme Lord to whom he completely belongs. He disregards the order and law implanted by God into the nature of his creatures and hence requested by the essence of their being. Disregarding God's will, he withholds the honour, reverence and gratitude due to the divine majesty, and — where such irreverence is completed in conscious malice — commits in fact a fearsome outrage. Further, since God created the world to manifest and to voice his glory and to make man share in the riches of his divine life, sin as refusal to cooperate with God's plan is impairment of the divine glory and of the kingdom, by which he wants to give man access to the splendour of his beauty. Finally man's turning away from the divine will must naturally result in separation from the love and communion with God.

If, as in the foregoing, sin is conceived as injury against God, the question arises whether those who do not know God or who profess themselves to be atheists can sin against him. In other words, it is asked whether their offences are theological sins committed against God or merely so-called "philosophical sins", which are moral offences against right reason but not offences against God. According to Catholic theology, there is no such thing as a merely philosophical sin (cf. DS 2291). The reasons are the following. No man in use of his reason is completely without knowledge of his ultimate end; at least in an implicit and unreflective way he must know about it. A human person who would completely lack this knowledge, would be an absurd existence without sense in this world. But since man's ultimate goal is inseparably linked with God and his glory, the knowledge of this goal implies some knowledge of God as well. Consequently even the atheist sins against

God if he offends against his ultimate end, which is made known to every man through his conscience.

Further, if a man experiences his actions against right reason as morally wrong, he must be aware of an instance which forbids such contradiction against reason with absolute authority. In acknowledging the verdict of this authority, man admits an absolute claim upon him and implicitly acknowledges an absolute being. Hence a philosophical sin is not possible. The denial of God by atheists then either concerns a wrong concept of God, while in their hearts they are aware of some truer idea of God, or they culpably suppress their knowledge of him.

2. The social dimension of sin

The sense of the social aspect of sin is rather alert among modern man, although there is often a need to deepen and to complete it. St. John writes: "If any one says, 'I love God,' and hates his brother, he is a liar; for he who does not love his brother whom he has seen, cannot love God whom he has not seen" (1 Jn. 4:20). And "if we love one another, God abides in us and his love is perfected in us" (1 Jn 4:12).

Many sins affect our fellowmen more or less directly by causing harm to them. This is true for all the sins of lovelessness and injustice, of scandal and evil cooperation. To this category also belong the promotion and perpetuation of deficient conditions and of a bad public climate, or even the neglect to fight against an environment contaminated by evil.

Yet all sins, even those of most personal character, have a social dimension, although of a more subtle, indirect nature. Above all every sin constitutes an impairment of the realization of the common ultimate task. For the sinner refuses in every sin to work for this task and instead strives after different goals of his own liking. Laziness or addiction to narcotics, e.g., need not necessarily harm one's fellowmen directly, if somebody is rich enough or unmarried. But the human community will nevertheless suffer negatively from these defects, because they hamper man in contributing as efficiently to the welfare of society and to the common tasks as he should and could.

Insofar as merely inner sins of thought and desire are concerned, their social impact is not yet activated at the moment they occur. But every inner disorder has the tendency to embody itself in action, e.g. thoughts of revenge. By such inner sins, therefore, man offends against neighbour and society inasmuch as he permits

dispositions to develop which by their nature have the perilous proneness to reactions and effects detrimental for society.

Another reason for the social dimension of sin is revealed by the teaching of St. Paul on the mystical body of Christ. According to Paul, Christians "are the body of Christ and individually members of it" (1 Cor 12:27). All the members of a body depend upon each other, and if one member is sick or does not function, all the others suffer from it (1 Cor 12:26; cf. 5:6f). Therefore no one lives for himself alone. A member that is taken ill by sin impairs the transmission of the life of grace. It lessens the irradiation proper to goodness and holiness, and thus deprives the Church and fellow-men of graces and helps they can expect from him. That is why we confess our sins daily before the altar not only to God but also to all the brothers and sisters.

Finally, insofar as Christians are concerned, their unfaithfulness to their vocation questions the vitality of their religious convictions before those who live with them. In this way they darken the image of the Christian religion and make the light of faith shine less brightly, especially among those who are still far from Christ.

3. *The personal dimension of sin*

Although the sinner "seeks himself" in his sin and although for the present he chooses the easier way, which demands less sacrifices from him and promises him more gratification, on a deeper level he suffers from an insidious, spiritual sickness and abandons his true happiness and fulfilment. "Man is indeed cruel to himself by sinning. If he does not repent, he gradually destroys his own liberty for the good. He ruins his own inner wholeness, loses his integrity, opts for slavery. 'Everyone who commits sin is a slave' (Jn 8:34)."¹⁾

Man cannot find his happiness and fulfilment in goals for which he is ultimately not meant and created. By sinning a man falls short of his ultimate end or refuses it by turning to other goals of his preference. Thus he misses his proper aim, and this failure must inevitably result in disharmony and frustration (cf. GS 13). The sinner deprives his life of its meaning or at least gives it less meaning.

Already the writer of the book of Proverbs is conscious of this co-relation. He lets wisdom say: "He who finds me finds life and

¹⁾ B. Häring, *Free and Faithful in Christ*, vol. I, 1978, 391.

obtains favour from the Lord; but he who misses me injures himself; all who hate me love death" (Prov 8:35f; cf. also the parables of the lost sheep and the prodigal son, Lk 15). Man has been structured by God according to certain laws and orders for a definite task. If he disregards the structures of his existence, he will finally destroy his spiritual personality through sin.

Viewed from another aspect, sin is the refusal to grow up to one's full stature and to a perfect man. Man is not complete from his birth under any respect. He must slowly become what he has been called to. Yet the sinner is not willing to progress further; or he even deviates in his development and grows on in a wrong, misshapen way. Consequently he betrays his true vocation, because he does not realize himself the way he is willed by God.

Sins are the symptoms of a sick personality and of a spiritual disorder and disease. Very aptly therefore Holy Scripture calls Christ the one by whom we have been healed, because he came to take from us the sickness of our sins (Is 53:5; 1 Pet 2:24)

III. Mortal, grave and venial sin

Common sense spontaneously makes a distinction between light sins and grave sins, between shortcomings, minor offences and crimes. In the practical judgement, everybody knows that not all sins are of the same gravity, and he acts on this basis. Nevertheless the theological explanation of the different gravity of sins includes some controversies and problems.

1. Different gradations of sins

In the Old Testament some sins are said to bring about a radical break with God and loss of the divine favour. This is the case with the crimes listed in the curses of Deut 27:15-26 or with certain sins enumerated by the prophets and accompanied by divine menace: "He has done all these abominable things; he shall surely die; his blood shall be upon himself" (Ezek 18:10-18; cf. Lev 18; Jer 7:9-15). Other sins and offences receive a milder judgement and can be atoned for by rites of purification or good works (Lev 4f).

The New Testament knows certain serious sins and baneful ways of living which deserve death (Rom 1:28-32; 1 Jn 3:14) or which exclude from the kingdom of God (1 Cor 6:9f; Gal 5:19-21; Eph 5:3-5; Rev 22:15). The sin which John calls "sin unto death" (1 Jn 5:16f) constitutes the upper limit of this kind of sins. On the other hand the new Testament is also aware of lighter sins which are not of

the same fatal consequences. Such are the sins committed even by the just man. Thus the petition of the Our Father "forgive us our sins" (Lk 11:4 par) primarily refers to the small transgressions of daily life. The same is true of the words of James: "For we all make many mistakes, and if any one makes no mistakes in what he says he is a perfect man" (Jas 3:2; cf. 1 Jn 1:8-10). In 1 Cor 3:10-15 Paul makes the distinction between two groups of Christians, which both build on the true foundation, that is Jesus Christ. Some build with gold, silver, precious stones, and their work will survive. Others only build with wood, hay, stubble. When their work is tested by the fire, they will suffer loss, though they themselves will be saved. This points to sins for which one is not condemned, but from which one is to be cleansed. Finally John distinguishes two kinds of sin: sins which are unto death and others which are not unto death. "All wrongdoing is sin, but there is sin which is not mortal" (1 Jn 5:17). Hence, although the New Testament does not know the specific concepts and terms of what is nowadays called "venial" and "mortal" sin, it prepares these notions and has indications of this difference.

The teaching of the Church has always distinguished between grave offences against God and the Church community and smaller faults. This is especially obvious in the history of the sacrament of penance. Ecclesiastical and sacramental penance was required for serious sins, while forgiveness of lighter sins might be obtained by means of private practices of penance, such as prayer, fasting and almsgiving. This does not exclude that within that constant conviction there have been variations in the opinions about which offences concretely constituted a serious sin. The present distinction between mortal and venial sin is expressly taught by the Council of Trent. It declares that all mortal sins must be confessed, because those who are guilty of such sins are "children of wrath" (Eph 2:3) and enemies of God, while venial sins must not be confessed, although it is recommendable to do so (DS 1680). For venial sins do not destroy the state of grace (DS 1537).

Recently attempts have been made to differentiate further the traditional division of sin and to distinguish between three categories, namely mortal, grave and venial sins. While mortal sin, according to these theories, is a complete aversion from God, grave sin is a serious offence resulting from a certain weakness, be

¹) Cf. H. Boelaars, "Ist jede schwere Sünde eine Todsünde?", *Theologie der Gegenwart*, 6 (1963), 142-148. F. J. Heggen distinguishes between mortal, serious and venial sins (*Confession and the Service of Penance*. London: Sheed and Ward, 1967, 70-77).

it a deficient sense of value or a lack of moral strength, and venial sin is a transgression in unimportant matters.¹⁾ However a correct understanding of the two traditional categories of sin does not seem to leave room for a third category on a par with the two others. More realistic is a subdistinction of venial sins, introduced by B. Häring in his latest handbook, which distinguishes between grave venial sins and light ones.¹⁾

For the practical study and classification of sinful actions the following distinctions are fundamental and should be kept in mind. Mortal and venial sin are gradations in view of the subjective condition of the sinner, namely whether he has separated himself from God in a sinful act and lost the divine life of grace or whether he has only diminished the force of divine life in himself without causing its loss. Grave and light sin are gradations taken more in view of the detriment caused in the objective order to the realization of the ultimate goal. The objectively grave disturbance of the moral order is usually the sign of a mortal sin, but not necessarily, since lack of full insight or lack of free will can subjectively prevent the origination of a mortal sin. Equally a light offence against the objective moral order is usually a sign of a venial sin, although an objectively light offence may sometimes be occasion for a deliberate rebellion against God and hence a mortal sin.

When moral theology in its special part investigates the gravity of certain offences, it does so only in view of the objective detriment they cause to the realization of the ultimate goal, that is to say in view of the question whether this detriment is great or light. The judgement on the subjective state of the sinner always depends on the concrete conditions in which he exists.

2. Mortal and venial sin defined

Theologians find themselves confronted with the problem: every sin is refusal of God's will and therefore a breaking with him. As St. James says: "Whoever keeps the whole law but fails in one point has become guilty of all of it" (Jas 2:10). How then can there be a second category besides mortal sin which does not constitute a breach with God?

The answers of theologians agree more or less in this that venial sins do not constitute a direct, complete refusal of God's will, as mortal sins do, but are only an insufficient, defective compliance with the same. But they differ in their explanation why

1) B. Häring, *Free and Faithful in Christ*, vol. I, 1978, 211; 215.

venial sins constitute a deficient compliance with God's will only.¹⁾ Traditional moral theology sees the reason above all in the objective insignificance of the matter, although the subjective imperfection of the act is also taken into consideration as a secondary reason. The common doctrine of moral handbooks and, in their train, of catechisms can be summarized as follows:

"We commit a mortal sin when we transgress God's law in an important matter with full advertence and with a wholly free will; we commit a venial sin (1) when we transgress God's law in a small thing or (2) when we transgress God's law in an important thing, but without full knowledge or without full freedom of the will."²⁾

Contemporary theological reflection however places the emphasis primarily on the subjective imperfection of the act as the explanation for the venial sinfulness of an offence against God. It stresses the fact that sin is first of all a disorder of the human will. The external, sinful act is only an indication and a sign of the internal disorder, not however the certain proof for it. The new approach to sin avails itself especially of the doctrine of the fundamental option, which doctrine was developed precisely in order to gain a better understanding of the nature of sin. According to this conception, sins are venial because they do not constitute a "final decision" or a "basic choice". This does not mean that there is no relation between venial sin and small matter. But the relation consists in this that man "cannot make a final decision (no 'perfect act') normally regarding a slight object."³⁾ In the light of this doctrine, the distinction between mortal and venial sin presents itself in the following way.

Mortal sin is a morally wrong decision which is so intensive that it gives a wrong orientation to man's entire life. It is the option for a spurious, perverted blueprint of a person's life. Of course a person will not change a hitherto correct blueprint into a perverted one too often during his lifetime. Does this mean that mortal sins are only very rare? They are possibly rarer than traditional moral

1) In the time of nominalism Occam and, in his train, Gerson and Baius taught that the difference between mortal and venial sin derives from the extrinsic decision of God who decrees, in his sovereign will, to punish some sins with the loss of eternal life, while others draw only temporal punishment. This doctrine with its concept of God as an arbitrary tyrant was rejected by the Church, which dismissed the following assertion of Baius as wrong: "There is not a single sin which, of its nature, is a venial sin, but every sin deserves eternal punishment" (DS 1920).

2) So summarized by Piet Schoonenberg, *Man and Sin* (London: Sheed and Ward, 1965), 29.

3) B Häring, *The Law of Christ*, vol. I, 1966, 358 and ff.

theology did assume. Nevertheless a person living in a state of mortal sin can still commit other mortal sins, if he makes morally wrong decisions of such intensity that they are apt to repeat and renew a vicious option. A ruthless politician with selfish motivation, who came to power by cheating, bribery and blackmail, may one day be confronted with the choice either to eliminate a competitor or to lose the grip on his power. If he were to opt for the assassination of his competitor, this would involve such a radical renewal of the evil option that it would amount to another mortal sin.

Venial sin on the other hand is a morally wrong decision which either does not constitute an actual denial of man's true goal of life, but is only an inconsistent realization of his otherwise authentic blueprint; or, if the sinner already lives in the state of aversion from God by force of a previous, wrong option, the sinful act is by its nature not apt to cause or to repeat the basically wrong orientation, but only superficially confirms it. Keeping these considerations in mind, the greater or lesser depth of the sinful decision is conditioned by the following two factors.

I. *Potency of commitment.* The potency of commitment in a morally wrong decision can be a broken one either because of lack of clear insight, which also includes insufficient awareness of the consequences involved in a sinful act; or because of imperfect consent of the will. In these instances the sin committed is a venial sin. Mortal sin on the other hand is a full commitment to an option which contradicts God's will and a person's authentic goal. It presupposes clear knowledge of the serious disorder of the sinful decision and full consent of the free will.

During man's lifetime, mortal sin is not a final, irreversible option, because as long as man lives he can still repent. Nevertheless the wrong orientation by mortal sins during a person's lifetime decisively prepares the final decision and will lead to eternal death if it is not revoked.

II. *Importance of the matter.* There are inconsequences and disorders which a man may consider as unimportant for the goal of his life and which in many cases are in fact also objectively small matters of minor import on the realization of man's true goal and God's eternal plan. As a rule they are not apt to evoke a fundamental decision against the divine law, and this above all because objectively no such radical opposition to the divine plan is involved. Therefore they usually give rise only to venial sins (assuming they are committed with sufficient insight and consent of the will).

Mortal sin, on the contrary, is an intensive commitment, which

is usually called forth by an important matter. Only in exceptional cases could a small matter also give occasion to a mortal sin. In questions of sin an important matter seriously opposes and obstructs the realization of the divine goals and of a man's genuine task of life in the objective order. Accordingly, if a person consents to a grave matter with full knowledge and a wholly free will, he will be involved in an existential choice.

Hence there is a correlation, though not an absolutely necessary one, between important matter — intensive commitment, and small matter — superficial commitment.

By way of a *conclusion*, the essence and conditions of mortal and venial sin can be summarized as follows:

A mortal sin is a decision in radical contradiction to God's will, which always presupposes full knowledge and full consent of the will, and which is usually the case if we transgress God's law in an important matter.

A venial sin is a transgression of God's law without complete commitment to the evil option, which is the case usually if we disobey God's law in unimportant matters or in important matters but with imperfect knowledge or imperfect consent.

Venial and mortal sin are essentially different. For this reason it is not the sum of many venial sins which finally could constitute a mortal sin. But there exists a dynamic relation between venial and mortal sin insofar as venial sin prepares the way for mortal sin. By committing venial sins man disposes and readies himself to commit a mortal sin. The scholastic theologians compare this sometimes with the accidental modifications in a physical or chemical process which precede the substantial mutation. "The previous choices are an invitation and an inducement for a more profound choice in the same direction. Venial sin causes us to slacken in the love of God; it pushes us gradually into more serious sins. On the other hand, the 'daily good actions' of him who lives in the state of mortal sin will make him slacken in his sinful attitude, thus inducing him slowly to accept the grace of conversion. Moreover there is a great similarity between the manner in which mortal sins lead us to final impenitence, complete loss of faith and hope, and the manner in which 'basic moral acts' lead us to total self-donation and confirmation in love."¹⁾

¹⁾ P Schoonenberg, l. c. 38f.

3. *Criteria for the objective gravity of sins*

The objective gravity of a sin is determined by the gravity or levity of the objective disorder and injury a human action causes in the sphere of moral values. This objective disorder is called the "matter" of sin. The criteria for the gravity of a sinful matter are external if they are taken from the authority of Scripture, of Church doctrine and of theologians. They are internal if they are taken from the nature and effects of an offence.

a) *External criteria.* Holy Scripture is first among the external criteria. A matter is judged grave if Holy Scripture states of a certain sinful act that the man who does it shall be cursed; that it is abominable; that it cries to heaven;¹⁾ that it deserves death or eternal punishment; that it excludes from the kingdom of God.

The criteria of Holy Scripture are however not always entirely clear and beyond dispute. For example among the abominations for which a person should be cut off from the people, the Old Testament also mentions intercourse during menstruation time (Lev 18:19). Although such an action may normally not be appropriate, no recent manual of moral theology lists it among the grave sins. Likewise the Old Testament ordains that a person who does any work on the Sabbath shall be put to death (Ex 31:15), and this was applied even to a man who was gathering sticks (Num 15:32-36). Christian ethics could not classify the gathering of sticks on a Sunday as a grave sin, certainly not if it is done only for a limited time or only occasionally.

At other times the Old as well as the New Testament include among the sins which deserve death or exclude from the kingdom of God offences which admit of degrees, e.g. thievery, greed, revilement, impurity, envy, anger, etc. (cf. Ezek 18:10-13; 1 Cor 6:9f; Gal 5:19-21). It is evident that not every small theft or slight anger is a grave sin, which could merit so serious a sanction as exclusion from the kingdom of God. Therefore here as much as in the determination of man's obligations in general, additional criteria have to be called upon in order to decide which matter is to be considered grave with regard to these sins and which matter light.

Further external criteria are the official doctrine of the popes and councils. Infallible definitions in matters of moral obligations

¹⁾ Scripture speaks of four sins crying to heaven, and they are particularly grave: murder (Gen 4:10), the sin of Sodom (Gen 18:20f; 19:13); oppression of widows and orphans (Ex 22:22f); defrauding the hired servant of his earnings (Deut 24:24f; Jan 5:4).

are very rare, and there is perhaps none which explicitly defines the gravely sinful character of a particular offence. But also the other decisions of the magisterium of the Church enjoy great authority and have to be carefully adhered to by the faithful (cf. LG 25; GS 50; DH 14). General councils of course enjoy the greatest authority. Among papal pronouncements, encyclicals possess a particular weight, following by other statements and papal allocutions.

The common teachings of the Church Fathers and theologians are likewise important criteria for judging the gravity of a sin and merit presumption in their favour. Nevertheless new developments at times supersede former judgements and doctrines, as illustrated by the moral evaluation of interest on loans, the reasons justifying the conjugal act or violations of rubrics in the administration of the sacraments.¹⁾

b) *Internal criteria.* The internal criteria are of particular importance in the determination of the sinfulness of an act and its gravity. A sinful matter is grave if it constitutes a grave injury to a good of great value. And since in the moral order the values are determined and measured by the relation of a human action to man's existential ends and lastly to his ultimate end, a grave matter can be defined as a grave injury to man's existential ends and his ultimate goal. This means, more in detail, that a sinful matter is grave if, in view of man's existential ends and the ultimate goal, it results in a serious injury against God and the honour and reverence due to him; in serious harm for the state, the Church and the human community in general; in serious temporal or spiritual harm for one's fellowmen; or in serious temporal or spiritual harm for oneself.

In many instances men are in common agreement as to what matter is to be considered grave in questions of moral obligations, e.g. serious bodily mutilations (such as destruction of a person's eyesight), assassination, rape, robbery of goods of greater value (such as a horse or a car), seriously damaging calumnies, etc. But at other times the opinions differ. Religious and social traditions can qualify certain actions as gravely sinful which in a neutral evaluation would

¹⁾ The following violations of rubrics, for example, were considered *gravely* sinful by the traditional, Latin manuals prior to Vatican II: consecration of bread or wine not placed on a corporal; transfer of the blessed sacrament without sacred vestments; celebration of the Mass with a woman or even a religious sister as server or acolyte; use of turbid or dirty water for baptism; anointing of the sick without surplice and stole (cf. K.-H. Peschke, "Die Sünde in den Traktaten über die Sakramente", in *In Verbo Tuo. Festschrift*. St. Augustin/Siegburg: Missionspriesterseminar, 1963, 235-246).

not merit such a rating, e.g. certain violations of the Sabbath or Sunday rest, the eating of foods forbidden for merely ritual reasons, the touching of persons or items declared unclean, etc. At other times traditions or popular opinions can consider certain actions as lawful or morally less relevant which after all are serious offences of the moral order, such as human sacrifices, slavery or abortion. Judgements on the gravity of certain offences depend on the validity of the reasons which support them as much as moral judgements in general depend on the validity of their reasons. And just as scholars at times dispute the sinfulness of a certain action in principle, so their opinions also at times vary as to the gravity of a certain offence.

B. Distinction of sins

Handbooks usually pay much attention to the specific and numeric distinction of sins. The main reason for this is the demand of the Council of Trent that all grave sins must be confessed by species and number (DS 1679-1681; 1707). This demand of the Council is certainly meaningful insofar as confession is concerned. But since, apart from this more practical concern, these distinctions do not seem to yield much for a better understanding and comprehension of sin, it may be permitted to relegate their study to the treatise of the sacrament of confession, where these divisions are of immediate interest.

I. Different kinds of internal sins

Internal sins are sins which are consummated in the mind. They are sins of the heart, usually called "bad thoughts". Every sin is first committed in the heart of man. It arises in the evil dispositions and desires. There are three principal kinds of internal sins.

1. *Mental complacency* in sinful imaginations without the desire to bring them into act. Mental complacency, which takes pleasure in sinful fantasies and thoughts, is to be distinguished from intellectual preoccupation with matters which can be the object of sinful thoughts, but which are studied for the sake of gaining insight into their nature. The latter is indifferent and may even be a duty, e.g. in the case of a physician, counsellor or confessor, who need this knowledge to procure the necessary instruction and help to their patients and penitents.

2. *Sinful joy* in an accomplished evil deed, be it one's own or another person's sin, *and sinful regret* of not having performed

an evil act. This joy or regret implies an approval of the sin and is therefore sinful itself. It is however not sinful to rejoice at the good effect of an evil deed, e.g. that by the murder of a corrupt government official a source of public injustice is removed, or at the manner in which an evil deed was executed, e.g. an ingenious forgery or bank robbery. Neither is it sinful to rejoice at something which was formerly lawful or will later become so. Thus a widow may reflect with a certain satisfaction upon past marital relations with her husband; or the betrothed may think with joy upon the future fulfilment of the conjugal love.¹⁾

3. *Evil desire* to perform a sinful action. The evil desire is inefficacious if one would like to carry out the deed, but does not really intend to do so because of some reason one is ashamed or afraid to do so (e.g. one may not want to offend more seriously against God or to endanger one's good reputation) or because one perceives the vain or hazardous nature of such an attempt. People often happen to have strong desires and seem to be determined to do an evil deed. But if they are confronted with the possibility to put their wishes into action, they refrain from doing so. Their desire is not serious, but only an inefficacious volition.

An evil desire is efficacious if it constitutes a firm intention or resolution. One is guilty of this desire even though some external circumstance may prevent its realization, "Bad will alone is a sin, even if the effect is lacking — that is, if there is no power to carry it out" (Augustine).²⁾

All these kinds of interior sins bear, as to species, the same malice as the external act to which they refer, but they do not always have the same degree of malice as the external act. The efficacious desire however is always a grave sin if the desired evil is gravely sinful as well. The real performance of the external sin is merely an aggravating circumstance, as it further intensifies the bad attitude and disposition.

Authors hold that morally less sensitive people could sometimes fail to recognize the malice of purely interior acts which are not serious evil desires. But certainly a normal man cannot fail to perceive the malice of an evil resolution or intention, if he realizes that the action he plans to carry out is sinful.

1) Cf. Jone. *Moral Theology*, 1963, no 107.

2) Augustine, *De spiritu et littera*, c. 31, n. 54 (Migne, PL, vol. 44, 235).

II. Sins of omission and commission

A sin of commission is the performance of a forbidden act. It is an offence against a negative precept, such as "You shall have no other god before me"; "You shall not kill"; "You shall not steal". A sin of omission, on the other hand, is the failure to perform an obligatory act. It is an offence against a positive precept, such as "Remember the Sabbath day, to keep it holy"; "Love one another as I have loved you".

Although sins of commission are usually of a graver nature than sins of omission, the latter sins nevertheless constitute a great peril for the kingdom of God. Sins of omission remain more easily unnoticed, and that is why they are particularly dangerous. It is more difficult to define them in general laws, because the positive duties of a person depend much on his individual character, his personal gifts, his concrete conditions of life. "For this reason it is of primary importance for us not to focus our attention only on the things we may not do, on that which we must avoid. Emphasis of the negative is not sufficient. We must point out what one must do, what one can and should do with the aid of divine grace."¹⁾ However it must be admitted that it is easier to avoid sins of commission than to do all the good which one ought to do. Hence not to sin by omission presupposes a greater degree of perfection. Besides we are often more sure about what is plainly unjust and therefore to be omitted, than about what is positively just and therefore to be done.

Nevertheless much good is omitted which could and should be done. The possibilities of omissions are manifold: neglect of one's professional, social or religious duties; neglect to reform oneself; neglect to fight deficient and evil public conditions; neglect to show concern and fraternal love for one's neighbour, etc. Of course an omission is only culpable if one has realized the duty to act. This duty is not always seen. Yet often enough a man is more or less aware of his obligation to do some good, but he shrinks back from the effort and leaves it undone. That is why Catholics at the beginning of the Mass ask pardon from God and their brothers not only for the evil they have done, but also for the good they have left undone. Sins of omission are real offences, the sources of much injustice, suffering and abandonment.

1) B Häring, *The Law of Christ*, vol. I 1966, 372.

III. The capital sins

Christian tradition from the time of the Fathers put together a catalogue of main sins, denominated capital sins. They are called "capital" not because they are always necessarily grave, but because they easily become vices and sources of many other sins. Gregory the Great († 604) drew up a list of seven:

Pride or vainglory is an inordinate desire of honour, distinction and independence. It is opposed to the virtue of humility.

Avarice is the inordinate pursuit of material goods and is contrary to the virtues of liberality and equity.

Envy is discontent over the good of one's neighbour, which is considered as a detriment to one's own person. It offends against brotherliness and magnanimity.

Lust is the inordinate craving for sexual gratification and is against the virtue of chastity.

Gluttony is excess in the enjoyment of food and drink; the opposite virtues are temperance and sobriety.

Anger is the intemperate outburst of dislike with the inordinate desire for another's punishment. It is contrary to patience and meekness.

Sloth in the wider sense is laziness and is opposed to diligence. In the narrower sense it means spiritual sloth, a turning away from spiritual things because of the effort which they require. It contradicts the virtues of piety and love of God.

Parallel to the seven capital sins, tradition also lists seven main virtues: the three theological virtues faith, hope and charity, and the four cardinal virtues prudence, justice, fortitude and temperance. It is striking that there is very little correspondence between these main sins and virtues. The virtues opposed to the capital sins are different from the seven main virtues and vice versa. In fact the tables of the capital sins and cardinal virtues are not the result of systematic analysis and logical deduction, but stem from a popular ethics and have something of accidentalness. They are not so much aids in the scientific study of moral theology than helps for spiritual incitement and ascetic reflections.

C. Sources of sin

This section deals with those sources of sin to which a man is passively exposed and by which he himself is tempted; whereas the next section shall treat of man insofar as he actively gives occasion for sin to others or cooperates in it.

I. Impact of ■ sinfully distorted world¹⁾

1. *Solidarity in evil according to Holy Scripture*

The Scriptures of the Old Testament see a solidarity of human groups (family, tribe, nation) in good and in evil. For according to the Semitic mentality the community is as primary as the individual. In a rather crude form this law of solidarity is expressed in a certain number of old texts which speak of collective and hereditary sanctions (cf. Num 14:18; Josh 7:19-26). An example of this is the menace which follows the prohibition of idolatry in the decalogue: "You shall not bow down to them (i.e. the graven images) or serve them; for I the Lord your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and the fourth generation of those who hate me, but showing steadfast love to thousands of those who love me and keep my commandments" (Ex 20:5f). At a later period, the Bible itself will undertake the criticism of this older view. Jer 31:29f and Ezek 18:2-4 insist that the teeth of the children will not be set on edge because their fathers had eaten sour grapes. Every one shall die for his own sins. Still it is only the extreme presentation of this theory, a sort of blind automatism, which they reject, and both prophets insist on collective influences of sin (Jer 2:2-9; 16:10-13; Ezek 16; 20). The same is true of Isaiah who speaks of unfaithful Israel in a joint sense as a daughter of Babylon (Is 47); and Hosea compares the Hebrew nation to an adulterous wife (Hos 3-5) and a disobedient son (Hos 11), whose sins will be punished by the Lord.

For the New Testament, the world is so much distorted by sin that Christians are exhorted again and again not to live according to the norms of the world. To John the world has been judged because it does not accept the Son but hates him (Jn 12:31; 15:22-24; 15:8-11). "For all that is in the world, the lust of the flesh and the lust of the eyes and the pride of life, is not of the Father but is of the world" (1 Jn 2:16). "We know that we are of God, and the whole world is in the power of the evil one" (1 Jn 5:19). For Paul the world stands opposed to Christ (1 Cor 1:27; 2:12; 3:19; Gal 6:14; etc.) Christians should "not be conformed to this world" (Rom 12:2), so that they "may not be condemned along with the world" (1 Cor 11:32). And James warns: "Do you not know that friendship with the world is enmity with God? Therefore whoever

¹⁾ This section owes much to Piet Schoonenberg, *Man and Sin* (London: Sheed and Ward, 1965), chapter "The Sin of the World", 98-123.

wishes to be a friend of the world makes himself an enemy of God" (Jas 4:4). That is why the Christian must "keep himself unstained from the world" (Jas 1:27).

Hence sin depraves not only the individual but depraves also the community to which he belongs and the world in general. That is not to be understood in the sense as if the guilt of one person simply passes to the other members of a community. This conflicts with the principle that God "will render to every man according to his works" (Rom 2:6; cf. Mt 16:27; Rev 22:12). But sin "becomes incarnate in social structures, in value systems, in ideologies, in traditions, in habits, in collective behaviour, and in the mentality common to a group of individuals who compose a given society."¹⁾ These conditions result in a "fact of sin" which confronts a person prior to his free choice and decision, and which strongly influences and determines him.²⁾

2. Man's situation in a sinfully distorted world

The modern behavioural sciences make us realize to what extent the decisions of the human will are influenced by a man's whole education and environment. This insight has also found entry in the documents of Vatican II. It notes down that "men are often diverted from doing good and spurred toward evil by the social circumstances in which they live and are immersed from their birth" (GS 25). This influence makes itself felt in several ways.

There is first the impact of a bad example and a demoralizing public atmosphere. Moral values are called into question and sinful ways of conduct approved or even recommended, if not theoretically then at least practically. This deprives men of the encouragement to do good; an encouragement which not only children but also adults need. Not seldom the evil example equals an invitation to do likewise, e.g. to make profit by dishonest means or, among government officials, to seek bribes for services to be rendered.

The force of evil is intensified if it is accompanied by group pressure. In that case, doing the good excludes a person from the group, which is hard to bear. The others, even though unconsciously, do not consider him any longer as a fellow member. The duty which a man believes must be performed, does not belong to

¹⁾ Albert Gelin and Albert Descamps, *Sin in the Bible* (Tournai: Desclée, 1964), 27.

²⁾ Cf. Timothy E. O'Connell, *Principles for a Catholic Morality* (New York: Seabury Press, 1978), 102.

the current style of life. He is threatened with exclusion from the group and its support if he does not conform to its evil attitudes and demands. A youth who does not participate in drinking parties and join in watching bold movies will be shut out from the gang. A faithful religious life with weekly assistance of Sunday Mass will bar a person not only from anti-religious circles but usually even from circles who display religious indifferentism. Group pressure is of course strongest when the leading party of a country favours certain attitudes and principles hostile to justice and faith, like oppression of religion in communist countries. Fidelity to one's convictions then includes serious deprivations in the amenities of life and in professional and social development. The extreme of such pressure is the threat of incarceration and death if a person should refuse to comply with the anti-religious and immoral demands of those in power. This is the situation of martyrdom.

Finally there is the unconscious but all the more far-reaching impact of morally distorted environment structures and mentalities. They precede a man's existence and encompass it. He is born in a situation where certain moral values and norms are obscured to the degree that they are no longer (or not yet) perceived by the community as a whole. The opposite, wrong attitudes and principles appear to be natural and a matter of course. This was true of slavery and the degradation of women in the Greek and Roman world. Caste systems, suppression of weaker or outlawed population groups, religious intolerance, conditions of economic and social injustice can affect whole nations and cultures.

Sinful social structures and conditions are sources of much injustice and evil. Modern man has become increasingly alert to them. The summons to fight them is a battlecry frequently heard today. Indeed there is need to expose such conditions and to correct them. However there is also the danger of shifting the cause of evil ever more to external, social conditions and to forget about the evil in man's own heart. All guilt is attributed to impersonal structures. "Accordingly one expects improvement and salvation not from the change of man but from the change of hardened structures and institutions, from a revolution of society."¹⁾

There is a partial truth in both positions. The failures and sins of men have created traditions and institutions depraved by sin, which now have their own existence and working mechanisms.

¹⁾ J. Gründel, "Das Verständnis von Sünde und Schuld in geschichtlicher Entwicklung", in *Handbuch der christlichen Ethik*, vol. 3, ed. by A. Hertz et alii (Freiburg: Herder, 1982), 152.

Those born into them are exposed to them by force of the circumstances and influenced by them. This shows that the phenomenon of failure and sin is not sufficiently explained by personal guilt alone. Failure and sin have also features of doom and fate. Behind many a criminal there stand a social environment and a society which predispose and work upon the sinner. In order therefore to fight evil, it is not enough to turn against the sinner alone. It is equally necessary and urgent to work for a better public climate and more humane conditions of life (cf. GS 25).

On the other hand it is an undeniable fact that social institutions are creations of man. This does not hold only for institutions created in the past, it also holds for those which are being shaped today. And as in the past selfishness, greed, pride and desire for domination have been able to influence the institutions of society, so they remain operative also today. At all times therefore the reform and recreation of social institutions must go hand in hand with the reform and healing conversion of man's own heart.

Yet human exertion and good will alone are not always sufficient to discern and to counter sinful, social conditions. There are limits to man's powers, which at times can only be overcome by superior intervention. "We see in the history of mankind certain thresholds beyond which a community seems unable to proceed by itself alone ... But we also see that the boundaries are broken and the thresholds crossed through the blossoming and expansion of moral feeling and of love which frequently derive from Christ and his message."¹⁾

II. Temptation

1. *Concept and nature.* Temptation is the incitement acted upon a man to do evil. It is the attraction by a good which in the larger context of the entire hierarchy of values constitutes an evil. J. Leclercq illustrates this by the following example:

Let us say that a certain food tempts me; it tempts me because it tastes good, which means that it satisfies my appetite. Nevertheless let us suppose that it will do me harm; it will make me ill, and I am aware of this. I thus hesitate between the immediate satisfaction that I will experience if I eat it, and the prospect of becoming ill. In other words, the satisfaction of my appetite, considered independently of all other elements, is a good in itself. But taken in the context of my entire life, and considered in terms of my health, this

¹⁾ Piet Schoonenberg, l. c. 118.

good leads to disorder and becomes an evil. The possibility of being tempted by evil thus comes from the fact that the same object is good or evil from different points of view.¹⁾

Hence the tempted man is a divided man. He is divided between two goods, one of which is at the same time an evil. He knows that one of the alternatives is evil, but he hesitates whether to opt for it or not, because he is sensitive to the good which it also contains. Therefore temptation is a state of hesitation, where no definite decision for good or for evil has yet been made, and where the final consent is still withheld. From the moment there is consent, there is also sin. We can speak of temptation only for as long as consent to an evil, which appeals under some aspect as desirable, has been withheld.

Since man is a multiple being, besieged on all sides by multiplicity, temptation is a most natural phenomenon, which should cause little surprise. Man finds himself in the presence of many goods. "Each one satisfies one tendency; no single good satisfies man entirely and from every point of view. Having in mind the idea of the absolute good and the absolute happiness, man attempts to construct his good and happiness in the concrete. This construction of one's life demands a perpetual choice, and a perpetual renouncement of certain goods for the purpose of possessing others...I can exercise one profession only if I renounce the exercise of still others; I can find happiness in marriage only if I remain faithful to one person; and I can aspire to the perfection of the religious life only on the condition that I forego the perfection which I would find in marriage."²⁾

In addition the good a man does not possess and whose want he suffers seems to promise the fulfilment of what he is lacking in happiness. And this greatly increases the tempting attraction of a forbidden good. Man has the impression that once he obtains the good he is longing for, but which he is denied for some reason, he will be perfectly happy. A man who desires a piece of land but has none of his own may feel that he will be fully content once he has a few acres. But as soon as he really owns them, he will fast discover other needs and unfulfilled wishes which deprive him of complete

¹⁾ J. Leclercq, "Temptation", in *Pastoral Treatment of Sin*, ed. by Ph. Delhaye (Tournai: Desclee, 1968), 40.

²⁾ J. Leclercq, l. c. 46.

happiness.¹⁾ For there is no created good that can make a man so perfectly happy that there would be no more room for any discontent and nothing remain to be desired.

2. *Provisions and means against temptation.* According to traditional asceticism, the two principal means for combatting temptation are prayer and penance. Prayer is understood in a broad sense as including the sacramental life as well. Although prayer is not of great help once temptation becomes violent, it is certainly of importance as a provident measure. If somebody is assaulted by temptations against faith, chastity or charity and at the same time neglects prayer life, he is not free of guilt for this state of affairs. He has not done what is in his power to strengthen himself against temptation; on the contrary, he has prepared the ground for it by his negligence.

Penance is not so strongly emphasized today as in former times. Yet one should not conclude that it is no longer important at all. At a time when comfort has become a kind of god, it is sometimes necessary that an act be posited which runs contrary to an easeful life and which includes the sacrifice of some satisfaction in order not to become a slave of comfort but to retain the necessary freedom and openness for spiritual values. To penance, one must add in our day physical exercise, hygiene and sports. Physical exercise has been discovered as a most apt means of bodily hygiene. The body must be disciplined if one is to become its master. Formerly this has been done by physical penance. Today this "is induced by exercises which have little to do with mortification, but the principle remains the same."²⁾

Traditional asceticism likewise insists on the avoidance of idleness as another preventive means against temptation, and in this it is certainly right. The obligation to serve God and the community through useful work is a general duty, resulting from man's call to contribute to the unfolding of God's creative work. At the same time it keeps the mind away from idle and harmful thoughts and wishes, and gives a man the satisfaction and joy of doing a useful work. Healthy social relations act in a similar way. The

¹⁾ Marxism furnishes an example of this deception on a large scale. It contents that moral difficulties will cease to exist in socialist societies once a general condition of material well-being has been achieved; yet quite contrary to this deceitful hope, countries in which the effects of general material well-being can already be discerned suffer from numerous problems and evils, which communist nations even like to denounce and to accuse.

²⁾ J. Leclercq, l. c. 61.

dissatisfaction caused by an isolated life easily becomes a source of temptation. Good friendships will help to dispel them. They give the mind new impulses, they broaden its horizon and present a person with challenging demands.

The avoidance of occasions of sin is another means insisted upon by the spiritual writers and today certainly not less needful than in passed times. It will not be the means against all temptations, because not all occasions can be avoided. But if an occasion to sin is serious, as e.g. the temptation for a married man is to commit adultery and to endanger thereby the happiness of his family, and if the occasion can be avoided, although only with renunciations and sacrifices, one is obliged to do so. A confessor cannot do else than demand this renunciation. In the same line lies diversion from evil thoughts by distraction and by turning to other seizing thoughts and occupations. This however should not be made an excuse to escape any sincere confrontation with troublesome thoughts. Although, e.g., desires of hateful revenge must be dismissed, a careful examination of one's reactions of anger and aversion will very often be in place to gain clarity about their sources (which can also lie in the person harassed by such thoughts) and to procure possible remedies.

Finally a man must try to purify ever more the intentions and aspirations of his heart. In the gospel we read that it is the good tree which bears good fruit, and that it is from the heart that evil thoughts arise. The attention must be directed to the roots of the tree, and it is the heart which must be purified. Above all man must endeavour to gain a clear and lucid notion of his personal calling and of his task in the service of God and of Christ's kingdom. For example, a priest must learn to realize that his calling is not that of a social worker but of a minister of the mysteries of faith.

3. *Moral finality of temptation.* All authors agree: God does not tempt man, for God does not lead man into evil; and temptation arises from the fact that evil presents itself as desirable. God abandoned Job to Satan in order to prove his virtue, but it was Satan and not God who tempted him. Ultimately the possibility of temptation is rooted in the gift of freedom, with which God has endowed man. The gift of freedom inevitably includes the risks of temptation and sin. But at the same time freedom is also the necessary presupposition for any creative activity on the part of man. Evidently the creative powers of man are so great a value within God's plan of creation, that they are worth the risk of sin which goes along with them.

Moreover temptations are not just evil under every regard. They also have a positive role to play in human life. Both Christians and non-Christian moralists are aware of the educational value of trials in moral life. It is through struggles that man learns to know himself and forms himself. Therefore Holy Scripture says: "Count it all joy, my brethren, when you meet various trials, for you know that the testing of your faith produces steadfastness" (Jas 1:2f). Trials have an invigorating effect, and they provide man with the opportunity to grow to maturity. Nevertheless man should not look for temptations. Such would be temerity, for if the temptation is effective, one cannot be certain that it will be overcome. It is for this reason that Christians pray: "And lead us not into temptation, but deliver us from evil" (Mt 6:13). Therefore spiritual writers tell us not to seek temptations, although not to fear them either. For if sent by God, they are instruments in the school of virtue and perfection.

D. Responsibility for sins of others and sinful cooperation

All negligence in the resistance against evil is indirectly a source of sins to others. Those, e.g., who do not fight an evil public atmosphere or morally evil conditions among the workers of a factory, although they could and should do so, have an indirect responsibility for the sins provoked by such conditions. Likewise the negligent and unnecessary exposure of somebody in one's care to enticements to evil makes a person co-responsible for the sins which may ensue. Another, particularly serious form of participation in the sins of others is the promotion of an unworthy candidate to a position of responsibility, be it to an ecclesiastical or civil, public or private office. For this reason St. Paul admonishes Timothy: "Do not be hasty in the laying on of hands, nor participate in another man's sins" (1 Tim 5:22).

Some graver sources of sins of others, which require a particular treatment, are seduction, scandal and sinful cooperation.

I. Seduction

Seduction is the deliberate effort to lead others to sin. It constitutes a twofold sin, first a sin against charity, and second a sin against the moral duty whose violation is caused. However one cannot speak of seduction in cases in which a person suggests to somebody a sinful deed to which he is already disposed prior to the

suggestion. A thief who has made out a new plan for a robbery and invites an accomplice of former deeds to join in the delinquency cannot be called a seducer. Seduction presupposes that the seduced person is led to an action which stands in contradiction to his original personal intention and mind. A common instance is the persuasion of a companion to attend a bad movie or to read a pornographic magazine. A most heinous example for wicked seduction is the alleged recruitment of girls for housemaids and waitresses, or worse even their plain abduction, with the intent to seduce them, often under application of some pressure, and to use them for commercial prostitution.

In great wrath our Lord turns against those who seduce the innocent and guileless believer. "Whoever causes one of these little ones who believe in me to sin, it would be better for him to have a millstone fastened round his neck and to be drowned in the depth of the sea" (Mt 18:6). Subsequently this woe is extended to all seduction and scandal. "Woe to the world for temptations to sin. For it is necessary that temptations come, but woe to the man by whom the temptation comes." It would be better for such a man to cut off his hand or foot or to pluck out his eye than to be the cause for sin (Mt 18:7-9).

Note that it is permissible to make a request which can be granted without sin, but which one foresees will be sinfully granted, provided one has a serious reason to make the request. Thus one may ask a person to take an oath in court although one knows that he will commit a perjury. A wife may ask her husband for the conjugal right although she knows that he will — against her will — practise interruption or use means of artificial birth control, if she would otherwise be deprived of this right "for more than one or the other time" (St. Alphonse), and vice versa.¹⁾

II. Scandal

1. *Concept and sinfulness*

Scandal is defined as unbecoming conduct that gives occasion of sin to others. While seduction intentionally causes another to sin, scandal in the proper sense only gives an occasion to sin and permits the sinful deed following therefrom. Scandal is a sin against charity. Some authors maintain that it is also a sin against the moral obligation whose violation is caused. Yet others deny

¹⁾ Cf. B. Häring, *The Law of Christ*, vol. 3, 1966, 358-360.

this, and probably justly so. For every moral obligation demands from a man that he should not violate it or wilfully cause its violation; but it does not require by itself to hinder others from violating it; if such an obligation exists, it is usually an obligation of charity.

The gravity of the sin of scandal depends on the gravity of the evil to which it gives culpable occasion. Hence if the circumstances are such that only a light scandal is justly to be expected, the unbecoming action is not more than a venial sin even if somebody, because of his particular evil disposition, takes it as an occasion for a grave sin. Thus it is only a venial sin of scandal if children by slight disobedience occasion serious cursing on the part of their parents, or if girls by their trivial vanities give a man occasion to a serious sin against chastity. No scandal at all is had if those who witness an unbecoming action are either so good or so corrupt that they cannot be deprived by it.

Accordingly scandal is always of a relative nature. Whether an action is a grave or a light scandal or no scandal at all is relative to the circumstances in which the sinful or uncommon action takes place. In principle it holds that a scandal is the greater, the greater the dignity or esteem a person enjoys; the greater the actual influence that an unbecoming action has on the sin of the other; the graver the sin which is occasioned; the greater the number of people who are scandalized.

2. Active and passive scandal

Scandal is distinguished as active or passive scandal. Active scandal in the strict sense is the giving of scandal by unbecoming conduct. The above definition applies to this scandal only. Passive scandal is the taking of scandal at the provoking action of another, be this action unbecoming and sinful or be it lawful and good.

a) *Active scandal* in the strict sense as a sin against charity presupposes unbecoming conduct on the part of the one who causes scandal. The unbecoming conduct can be a sinful deed, but it can also be an objectively correct action which however ought to be omitted because of the weakness or ignorance of those who witness it without sufficient understanding. It is for this reason that Paul exhorts the Roman Christians to avoid scandalizing those converts, yet weak in faith and understanding, who believe themselves still bound by certain prescriptions of the Jewish ceremonial law and not allowed to eat meat or drink wine. Although in principle no food is unclean for a Christian, those strong in faith should not provoke the

weaker Christians by their conduct to act against their conscience and to eat or drink what they think is forbidden (Rom 14:14-23). In the first epistle to the Corinthians, a similar case is discussed concerning the eating of food offered to idols. The case is still relevant today in countries with pagan temples, such as India, Thailand, Taiwan, etc. According to Paul, Christians may eat such food, since there are in reality no idols which could make the food unclean. Yet not all share this conviction. Hence those who have the right knowledge must take heed not to give unnecessary scandal to those of less understanding. "For if any one sees you, a man of knowledge, at table in an idol's temple, might he not be encouraged, if his conscience is weak, to eat food offered to idols? And so by your knowledge this weak man is destroyed, the brother for whom Christ died. Thus, sinning against your brethren and wounding their conscience when it is weak, you sin against Christ" (1 Cor 8:10-12).

Active scandal in the wide sense is any conduct which gives rise to another man's sin, even if this conduct is lawful and justified. In this sense the New Testament speaks of the scandal of Christ and the gospel. According to the prophecy of Simeon, Christ is the great scandal for Israel. "This child is set for the fall and rising of many in Israel, and for a sign that is spoken against" (Lk 2:34). He is the stumbling stone "that will make men stumble, a rock that will make them fall" (Rom 9:32f; cf. Is 8:14f; 1 Pet 2:7f). Christ does not attempt to avoid the scandal caused by his teaching to the Jews. When they are provoked at his saying that it does not defile a man to eat without having his hands washed, and when the disciples caution him: "Do you know that the Pharisees were offended when they heard this saying?", he does not try to lessen the scandal. "Every plant which my heavenly Father has not planted will be rooted up. Let them alone; they are blind guides" (Mt 15:1-15). Christ must preach the truth and open the eyes of men, no matter whether the result will be that some turn away from him or are still hardened further (cf. also Jn 6:60-69). But on the other hand they are blessed who are not scandalized by his doctrine, life and work, and who permit their eyes to be opened by him to the saving truth. "Blessed is he who takes no offence at me" (Mt 11:6).

The apostles equally do not try to avoid the scandal of the gospel and of the cross. They are firmly determined to "preach Christ crucified, a stumbling block to Jews and folly to Gentiles, but to those who are called, both Jews and Greeks, Christ the power of God and the wisdom of God" (1 Cor 1:23f; cf. Gal 5:11). The Christian as the disciple of Christ must not be afraid of being

such a scandal either. For in a world hostile to God the message of the gospel and the fellowship of Christ will continue to be a frequent stumbling block and offence.

b) The *passive scandal* can be either due to bad example, or it can be a scandal of the weak, or a pharisaic scandal.

The *scandal due to bad example* is the most widespread one. It is caused above all by sinful, evil deeds; thus the dishonesty of an official in money matters or his sluggish indolence in his work will induce the subjects to a similar usage and behaviour. This kind of scandal however can also be caused by neglect of love and lack of true piety of those who should know better. This is the scandal of a specific legal minimalism and formalistic piety which hinders men of other faith to find the way to Christ or which makes them even scorn the Church. There are "countless Christians and entire Christian communities who have placed their light under a bushel and have falsified the witness of the Gospel through a self-satisfied spiritual mediocrity."¹⁾ The scandal of spiritual mediocrity constitutes a grievous obstacle for the growth of the kingdom of Christ.

The *scandal of the weak* (*scandalum pusillorum*) is caused by objectively lawful actions which however have the appearance of evil and are apt to disturb a weak conscience. The two examples from Paul's letters related before pertain to this category (Rom 14 and 1 Cor 8). As another example the case of a priest or educator can serve who wishes to see a controversial movie or show for the sake of information and in order to form for himself a judgement of its moral character. But since the parishioners or subjects may not understand his true motive, some may be scandalized by his action. For this reason he will at times have to omit attendance at the show in spite of his otherwise reasonable motive or rather attend it in a place where he is not known.

Pharisaic scandal is caused by rightful and even necessary actions whose provoking effect is only due to the malice of the person who is incited to sin. Since such was the nature of the scandal which the Pharisees took at the teaching and life of Jesus, it is called pharisaic scandal. Although not all scandal taken at great Church possessions is pharisaic scandal, the indignation at the possessions of the Vatican state is of this nature, if one takes into consideration the expenses the Vatican has not only for its employees in Rome but also abroad in all the nunciatures, for the maintenance of different ecclesiastical institutions, etc. And the indignation of

¹⁾ B Häring, *The Law of Christ*, vol. 2, 1963, 478.

certain people at the construction of beautiful, solemn churches and the use of more valuable garments and implements for the liturgical service is of the same nature.

3. Rules for the permission of scandal

a) Rightful actions which do not have the appearance of evil, but which nevertheless give others occasion to sin, need not be omitted if one has a reasonable cause to act. Otherwise, for the sake of charity, one should refrain. Hence a priest should avoid going in priestly attire through certain streets of a town where people are known to be hostile to the Church, lest he provoke them unnecessarily to curses and blasphemies by his passing by. Yet if he has any good reason for going there, e.g. for the sake of visiting a sick parishioner, he can do so without the least hesitation. It would be likewise unreasonable to be compelled to give a large alms to a beggar in order to prevent his cursing, since others would soon imitate him.

b) Lawful actions which have the appearance of evil and give others occasion to sin ought to be omitted if one can easily do so. However as a rule the obligation to omit such an action ceases after an explanation of the lawful nature of one's conduct has been given. In the same way, if the omission of the act would result in an unproportionately grave detriment and hardship, the risk of the scandal can be permitted. Nor may, as B. Häring rightly observes, "consideration for human frailty in others be carried to the extreme of jeopardizing our capacity for essential decision and joyful effort for the kingdom of God."¹⁾

Temporal advantages, if of small moment, should be sacrificed to avert scandal. Hence a cleric must be willing to yield one or the other honorarium rightly his due or to cancel an additional house collection for the needs of the Church rather than repel the spiritually weak by an appearance of greed. Occasionally even a great sacrifice may be demanded, if by this means serious scandal can be averted. Thus the Church authorities must be prepared rather to renounce temporal goods of vast extent (always within the realms of the possible and feasible) than permit large groups of men to be estranged from her. Naturally such renunciation must be based on the well-founded hope that the grave scandal will actually

¹⁾ B Häring, l. c. 480. A Catholic private school may have common Mass and devotion for all Catholic children and give them common preparation for confession, notwithstanding possible protests raised by some people on the wrongly understood principle of religious liberty.

be averted.¹⁾

Good works that are likely to be misunderstood should usually be omitted or deferred. Missionaries, e.g. in New Guinea, sometimes run little stores to provide their people with cheap goods for their daily needs, for which goods they must otherwise pay very much. But if this is misunderstood by the people as if the missionary were out for business and if this darkens his priestly mission, he rather ought to desist from the project and close the store down.

c) The observance of a positive law may be omitted to avoid scandal. Ordinarily however one is not obliged to do so. A wife or children may miss Sunday Mass if they can thus prevent an outburst of fury of the husband or father. For the same reason a man would be excused from going to Sunday Mass after a recent fight with some companions, if he knows that his presence at the Church would inflame the brawl again.

d) For a proportionately grave reason, it is lawful to afford an occasion of sin, if the action itself is either good or indifferent. Employers may leave money lying about in order to test the honesty of their employees. The same is permitted to parents who want to test and to correct their children. As a general rule it may be said that the more urgent the need is to test a person (e.g. army personnel or public officials), the more serious the means may be which are employed to carry out the test (e.g. offers of money in return for national secrets).

Scandal culpably caused demands reparation. This is an obligation incumbent upon all who have scandalized, and of course especially upon those who have seduced others. Ordinarily this is done by avoidance of the scandal, by good example, by repentance in the sacrament of penance. Yet scandal caused by public statements, e.g. statements hostile to religion or destructive to morality, must be corrected by public revocation or correction of such utterances. Furthermore justice demands a special compensation for the damage caused by seduction which obtained consent by use of unjust means, such as fraud, intimidation, force.

III. Cooperation in the sins of others

Cooperation in the sins of others is any physical or moral concurrence with a principal agent in a sinful deed. Cooperator in this sense is the one who assists in the execution of a sinful deed, who

¹⁾ Cf. *ib.* 482f.

makes available the means, who gives advice and necessary information, etc. In contradistinction to seduction and scandal, cooperation does not give rise to the sin of another, but it only assists a principal agent, who is already determined to the evil deed previous to the cooperation.

1. *Kinds of cooperation*

Basic for the moral evaluation of cooperation is the distinction between formal and material cooperation in the sins of others.

a) *Formal cooperation* obtains when one externally concurs in the sinful deed of another and at the same time internally consents to it. This kind of cooperation is always sinful.

Moral handbooks frequently distinguish between explicit and implicit formal cooperation. Explicit formal cooperation would be had if the sin of the other were directly intended, as e.g. the actors of an anti-religious stage-play may directly intend the derision of religion together with the stage-manager. Concurrence in the evil deed of another is considered an implicit formal cooperation if the assistance offered is of such a nature that it necessarily joins in the sinful deed of the other. Thus the actors in an anti-religious stage-play implicitly approve of the derision of religion by their participation in the performance, even if such derision is not their personal intention. The assistant physician in a case of abortion implicitly consents to the sin of child murder by his participation in the operation, even if he internally abhors it.

Other authors however regard the implicit formal cooperation as immediate material cooperation.¹⁾ For, although it is sinful in most of the instances, there are exceptions possible, while formal cooperation is always sinful. Thus under threat of death one may help a robber to break into a house or shop, take the goods wanted by the brigand and carry them off for him. This kind of cooperation is, in spite of its close participation in the sinful act, not performed with real consent, which is a necessary condition for formal cooperation. Furthermore the fact that a cooperation necessarily joins one in the sinful deed of another is not a clear and univoque criterion for its sinfulness. The silent actors on the stage, the scene designers and those who work the lights are also necessary for the presentation of an anti-religious play. Nevertheless the cooperation of one or the other group may at times be permissible and is to

¹⁾ Cf. Heribert Jone, *Moral Theology* (Westminster, Md.: Newman Press, 1963), no. 147. Henry Davis, *Moral and Pastoral Theology*, vol. I (London: Sheed and Ward, 1959), 341f.

be considered as material cooperation.

b) *Material cooperation* is had when one externally concurs in the sinful deed of another without internally consenting to it.

Material cooperation may be immediate or mediate. It is immediate if one concurs in the evil act itself, as to help a burglar to empty the jewels that he is stealing into the burglar's wallet. It is mediate if one provides means and other helps for the evil deed without joining in the evil act itself, as to supply the burglar with the keys to the house or with tools for his burglary. Mediate cooperation is often further subdivided into proximate and remote, according as it is more or less closely connected with the evil deed. Yet there is no strict, clear-cut separation between these two forms, and the transition from remote to proximate cooperation is fluid.

More useful for the formulation of moral norms however seems to be the distinction between cooperation by means of actions which in themselves are not harmful to others, such as selling a bottle of whisky, giving a key, driving a car, preparing instruments for an operation, and cooperation by means of actions which by their own, internal finality cause harm to another, such as telling a lie, damaging another's property, beating a person, killing him. All the actions forbidden by the traditional absolutes belong to this second category.

2. *Norms for material cooperation*

Material cooperation in sinful deeds of others is in general illicit, since the evil of sin should not be supported by any means; on the contrary it should be opposed and suppressed. Yet on the other hand man often cannot escape some cooperation in the sins of others in order to avoid still greater evils. For example, a clerk in a bank may hand over the money he holds in order to save his own life. This leads to the following rules.

a) Material cooperation by means of actions which in themselves are not harmful to others is lawful in order to avoid a proportionately grave detriment to oneself or other persons close to oneself. In estimating the sufficiency of the reasons, one must take into consideration (1) the gravity of the other's sin; a greater reason is demanded for cooperation in a homicide than in a theft; cooperation in sinful deeds that will do great harm to Church or state (e.g. betrayal of national secrets) is never lawful; (2) the closeness of the cooperation to the sinful act; thus a graver reason is required to unlock the door of a safe to a robber than to lend him a car for his robbery; (3) the indispensability of the cooperation;

the more certain the sin will be committed without one's cooperation the lesser a reason is required for one's aid, e.g. when selling whisky to a drunkard; (4) one's obligation to prevent the wrongdoing; a nightguard in a factory has a greater obligation to safeguard the property of the enterprise than a simple worker.

b) Material cooperation by means of actions which by their own finality cause harm to others is most of the time not allowed and — if permissible — always requires a much graver reason than other kinds of cooperation. The reason is that in this case one does not merely indirectly make an evil possible, as in the previous category of cooperation, but one directly causes it. Therefore one also has a greater responsibility for it. In such instances a strict proportion is required between the damage inflicted on the one hand and the damage threatening the person who renders cooperation on the other. More exactly that means to say, the damage inflicted upon the other person must be less than the evil threatening the person who cooperates.

Accordingly it is lawful to cooperate in damaging another person's property in order to save one's own life, but it is not lawful to kill another person for the same reason. It is equally lawful to inflict a small material damage on another person in order to avoid a much greater one to oneself. Very probably it is also admissible to cooperate by a lie in bringing about some evil if by doing so one can avert a much graver one, e.g. the death of an innocent person. Likewise it should be considered lawful to beat a person in order to save him from still graver harm. When slavery was still extant, a slave-driver was allowed to whip a slave if otherwise the slave would have been killed by his master. Is it logical to conclude that it is equally lawful to beat a person in order to save the innocent lives of other people? But doubtless it is not lawful to beat another person for anything less than the value of his or another person's life or something truly equal to it, e.g. avoidance of a grave mutilation. Therefore one could not beat another person just in order to escape being beaten oneself.

Traditionally moral handbooks hold that immediate material cooperation in actions which are intrinsically evil, i.e. which pertain to the category of the forbidden absolutes, is not allowed, e.g. direct killing of the innocent, direct abortion, direct mutilation, etc. Doubtless also today presumption continues to stand in favour of these prohibitions. But where moral theologians arrive at the conclusion that exceptions from certain absolutes are possible, immediate cooperation of course also becomes permissible in these instances, as e.g. in cases of direct therapeutic abortion or sterilization.

These are some general guidelines to give orientation in the thorny problem of permissible cooperation. The concrete instances of cooperation are very often complicated and therefore inevitably give rise to various opinions. Perhaps there is no more difficult question than this in the whole range of moral theology.

3. Advising the lesser sin

Advising a lesser sin than the one a sinner is about to commit is ordinarily allowed, provided the sinner cannot otherwise be deterred from committing the greater sin.

This is certain if the lesser sin is contained in the greater, e.g. to advise an infuriated person to beat his enemy rather than to kill him. Many authors also think it lawful to advise a lesser sin even if the sinner had no intention to commit that particular sin, e.g. to persuade a revengeful person to rob rather than to kill another.¹⁾ In such a case, it is even lawful to help the evildoer to perform the robbery, if he can thus successfully be restrained from killing his adversary.

But it is not lawful to advise the sinner to do a lesser evil which would result in injustice to a third person whom the sinner did not have in mind, in order to prevent him from committing the greater sin. Hence it is not permitted to advise somebody to commit adultery with his enemy's wife or to mutilate his daughter instead of killing him.

¹⁾ Cf. E. T. Hanningan, "Is it ever lawful to advise the lesser of two evils," *Gregorianum* 30 (1949), 104-129.

Chapter VI

CONVERSION, VIRTUE AND PERFECTION IN HOLINESS

A. Conversion

Man, who is estranged from God and from his true calling, receives the earnest yet joyous invitation to repent from his evil ways and to convert himself to God's salvific will. "Repent, for the kingdom of heaven is at hand" (Mt 4:17). Although conversion necessarily entails renouncements, mortifications and works of penance, it is essentially not a dire must but rather a joyful message to the sinner: the invitation to return to the home of the Father, the means for recovery from the sickness of sin, the way to salvation.

I. Man's need for conversion

1. *The call to conversion in Holy Scripture*

The *Old Testament* leads the sinner to atonement for his sins and prepares the way to conversion by various forms of cultic-ritual repentance. There were fasting (Judg 20:26; 1 Sam 7:6; 2 Sam 12:16; Jonah 3:7), wearing of sackcloth and sitting in ashes (2 Kings 19:1f; Is 22:12; 58:5; Jonah 3:5-8), washings (Num 8:7; 19:7-10) and other expiatory rites (Lev 4; 16:20f).

However the external rites of atonement frequently drew upon themselves the criticism of the prophets, since the most important element in it, the interior change of heart, was for the most part left to one side (1 Sam 15:22f; Is 1:11-17; Jer 6:19f; Amos 5:21-24; etc.). This need of interior conversion is implied in the word *sub*, which is the term most commonly used for the reality of conversion. It has the meaning of changing one's route, turning about. "In a religious context, it means to be turned away from what is bad and to be turned toward God. That implies a change of conduct, a new orientation of the whole being."¹⁾ The sinner is

¹⁾ "Repentance-Conversion", *Dictionary of Biblical Theology*, ed. by X. Léon-Dufour, 1967, 430.

invited and urged to return to the Lord in order that he may be healed and live before him (Is 30:15; Jer 3:22f; Hos 6:1-3; Joel 2:12-14).

The psalms return more than once to the theme of conversion, confession of sin and divine forgiveness (Ps 32; 38; 103). "The most perfect expression of these sentiments is the *Miserere* (Ps 51) where the prophetic teaching of conversion runs through as a prayer: an admission of faults (v 5ff), a demand for interior purification (v 3f.9), a plea for grace which alone can change the heart (v 12ff), an orientation toward a fervent life (v 15-19)."¹⁾

Besides the demand of a personal conversion, there is also a call to communal conversion, addressed to the people as a whole. The prophetic preaching repeatedly refers to collective blindness, unfaithfulness to Yahweh and forgetfulness of the covenant. Therefore Israel as a whole is demanded to turn about and be converted to the Lord (Is 29:13f; Jer 4:1-4; 31:31-34; Hos 14:1-7; Ps 81:8-14). "Later prophecy interprets the whole history of Yahweh's dealings with his people as God's call to repentance and conversion."¹⁾

In the *New Testament*, conversion is one of the basic demands. The summons to conversion is at the heart of the preaching of John the Baptist. He calls upon his listeners to turn away from sin, to obey the commandments and to do works of brotherly love. By this change and renewal of hearts, they are to prepare the way of the Lord and to straighten his paths. John's baptism is the outward expression of the inner readiness and desire for conversion. The Gospels describe it as "a baptism of repentance for the forgiveness of sins" (Lk 3:3 par).

The call to conversion equally stands at the very beginning of Christ's preaching, though at the same time linked with the other demand of faith in Christ's message and person. "Repent and believe the gospel" (Mk 1:15). The wedding garment that has to be brought to the heavenly banquet is nothing else than this interior conversion (Mt 22:11-13). Conversion is the condition for entering the kingdom of God. Jesus' call goes out to everyone, sinners and just alike, but especially to sinners (Lk 5:32). Two concrete examples of conversions of sinners are given in the stories of the sinful woman (Lk 7:36-50) and the publican Zacchaeus (Lk 19:5-9).

¹⁾ Ib. 432.

²⁾ Karl Hermann Schelkle, *Theology of the New Testament III: Morality* (Collegeville, Minn.: The Liturgical Press, 1973), 74.

The parable of the prodigal son and other parables illustrate how ready God is to forgive (Lk 15). "Different from the Baptist, whose preaching is stamped with sombre earnestness, Jesus speaks constantly of joy in connection with conversion (Lk 15:7,10,32). It is, of course, true that Jesus also announces an unmitigated, hard judgement on those who reject this call to conversion (Mt 11:20-4; 12:41). Nevertheless God comes half way to meet the repentant sinner of good will."¹) Grace has a decisive part to play in the conversion of the sinner.

The apostles continue the preaching of the Lord on conversion, as can be seen from the acts of the Apostles. "Repent, therefore, and turn again, that your sins may be blotted out, that times of refreshing may come from the presence of the Lord, and that he may send the Christ appointed for you, Jesus" (3:19f; cf. 2:38; 11:18; 26:20; etc.). Paul puts conversion at the beginning of the Christian life (2 Cor 5:20f). The Christian ought to detach himself from sin. He is led and requested to do so by the spiritual death and rebirth he undergoes with Christ in baptism (Rom 6; 1 Cor 6:11; Col 2:12). The idea of conversion is also evident in the demands to become a new creation and to live a new life. "You have died with Christ; put to death therefore what is earthly in you! You have been raised with Christ; seek the things that are above! Once you were darkness, now you are light; walk as children of the light! You are a new man now; put on the new nature created after the likeness of God" (Rom 6:4; 2 Cor 5:17; Eph 4:22-24; 5:8; Col 2:20; 3:9f). Conversion remains the constant duty even of the Christian.

The repeated call to conversion in the letters to the seven Churches in the Book of Revelation is bound up with the threat of tribulations, meant to induce even the most hardened evildoers to repentance and make salvation possible for them (2:14-16; 2:20-23; 3:1-3.19f).

2. Universality of conversion and its continuous need

The whole history of salvation since the sin of Adam, but especially the time from Pentecost until the return of Christ, lies under the sign of conversion. The reign of darkness and the reign of light combat each other, and the struggle takes place in the very hearts of men, even of the just man, though not with the same intensity. Yet after the redemptive death and the resurrection of

¹) J. Bauer, "Conversion", *Encyclopedia of Biblical Theology*, vol. I, ed. by the same, 1970, 138.

Christ and the communication of the Holy Spirit, the battle is no longer undecided, in spite of the agitation and the malice stirred up by the demonic powers in the world. The struggle against the evil powers is accompanied by the optimism of Easter Day and of the final victory of the last time. Nevertheless this optimism does not tolerate lack of activity and responsible cooperation from man's side. Although Christian life is the history of the merciful action of divine grace by which God sets everything to work, it is equally the history of human exertion on which everything depends.¹⁾

The summons to conversion extends to every man, though not to everyone in an equal manner. It addresses in one way those who live far off from God and are caught in the alienation of mortal sin, and in another those who are basically on the right path, yet who still have need to correct more or less numerous shortcomings and imperfections. The conversion of those who set themselves goals of their own liking in contradiction to God's will and who imparted to their lives a wrong orientation must be a radical one. Their state requires a fundamental reorientation of their whole life and a new beginning. Thereby it does not make a great difference whether a non-Christian has lived far from God and is still in need of the first conversion, or whether a Christian has fallen away from the first grace by living in the state of mortal sin and is in need of a second conversion. The earnest necessity of renewal is equally urgent for both.

Although the persevering Christian is not in need of the same radical change of heart, he must also harken to the call of conversion. That which began in baptism and in the first conversion must attain an always greater depth and purity. The invitation to an ever greater generosity in the service of God and a more profound holiness accompanies the Christian throughout his life. The Vatican Council II accordingly declares, in the Constitution on the Sacred Liturgy, that not only unbelievers are to be led to conversion, but that "to believers also the Church must ever preach faith and repentance. She must prepare them for the sacraments, teach them to observe all that Christ has commanded (cf. Mt 28:20), and win them to all the works of charity, piety and the apostolate" (SC 9). The Christian wanders a spiritual journey from the imperfection of the beginning to the perfection in charity and holiness. This means to say that the new life in Christ "does not postulate immediate and total consummation of ourselves and the world, but it demands

1) Cf. B. Häring, "Conversion" in *Pastoral Treatment of Sin*, ed. by Ph. Delhay (Tournai: Desclée, 1968), 89-94.

that we, who get closer to final salvation every day, should try to grow ceaselessly for salvation and the kingdom of God.”¹⁾

The necessity of conversion is however not limited to individuals alone. Often enough also communities and nations stand in need of it. Conversion “can happen to many and they can form a community to sustain one another in their self-transformation, and to help one another in working out the implications, and in fulfilling the promise of their new life. Finally, what can become communal can become historical. It can pass from generation to generation.”²⁾ Many value judgements and attitudes to life of the individual are determined by the community, and in very many instances the individual person is not able to change them, if they are wrong, unless the community as a whole supports such a change and undergoes a conversion itself.

II. Nature of conversion

The following reflections on the nature of conversion have been drawn up in view of individual persons in need of a change of life. But most of the points made equally apply to communities in need of reform. Also communities as a whole may be called upon to show sorrow over injustices committed in the past, to detest them sincerely, to renounce them effectively and to promote God’s royal dominion over all the realms of their common life. This likewise holds for religions and churches, which may have reason to examine some of the traditions they hold or their attitudes towards each other (cf. UR 1; 3f). Indeed they ought to be examples in the practice of continuous conversion. “A humble Church which, in creative fidelity and liberty, takes all the risks involved in an ongoing renewal is a great sign, a sacrament of conversion for all persons and communities.”³⁾

1. *Repentance of past evil deeds*

Sin as the contradiction to man’s true calling, as alienation from the community with God and his people, and as endangering of one’s salvation leaves the sinner in a state of forlornness and misery, at least in the long run. It affects him with humiliating

¹⁾ Ib. 93.

²⁾ Bernard Lonergan, “Theology in Its New Context”, in *Conversion*, ed. by Walter E. Conn (New York: Alba House, 1978), 13.

³⁾ B Häring, *Free and Faithful in Christ*, Vol. I, 1978, 429.

distress of soul and dismal desolation. This is pertinently described in the parable of the prodigal son, who left his father's house to live a dissolute life. But he ended up as swineherd, more miserable than the hired servants of his father. This pitiable situation caused him to repent of his sins, to return to his father and to ask for forgiveness (Lk 15:11-24).

The state of misery, caused by sin, is most clearly made manifest in the dire passion and death of Jesus Christ. The contrite believer sees his sin in the light of the terrible suffering of Christ on the cross, which he assumed in order to redeem mankind from its guilt and from the slavery of sin. In repentance, the sinner is filled with pain and sorrow at the sight of such bitter fruits of his wrongdoings and moved to a renewal of life. The cross of Christ confronts him with the abyss of sin, but at the same time also with the infinite mercy of God, who is ready to forgive even at the price of the death of his own son. For the messenger of the gospel, an important conclusion follows from this for his pastoral work: "Preaching of conversion and celebration of the sacraments of return to God must above all confront man with the salutary event of the death and the resurrection of Christ."¹⁾ Three different attitudes of the sinner are implied in the repentance of sin: sorrow of soul, detestation of sin, and renouncement of the past evil life.

Sorrow and grief of soul arise from the realization of the sad and destructive consequences of sin and from the experience of the privation and unhappiness it causes (cf. Dan 9:4-19). The perdition in the state of sin, the loss of salvation and holiness, the alienation from God and from the community of his people are motives of true and wholesome sorrow. The more sorrow deepens the more it will be concerned with the harm sin causes to God's salvific plan and to the good of one's fellowmen. Most salutary grief of soul is prompted by the contemplation of the passion of Christ, which makes a man realize how much suffering sin causes and how great a price is required to redeem him from the power of evil.

The sorrow over sin and over its bitter consequences results in detestation of sin. The repentant sinner rejects and condemns sin as the woeful source of desolation and misery. He pronounces the verdict of condemnation over his evildoings and over his entire life of sin. Thus he anticipates the judgement of God and gives room to the divine forgiveness. "If we judged ourselves, we should not be judged" and condemned with the world (1 Cor 11:31f).

Sincere detestation of sin will necessarily lead to renounce-

¹⁾ B Häring, "Conversion", l. c. 134.

ment of sin or at least to the proposal and will not to sin anymore and to avoid it to the best of one's ability. This implies a breaking away from the state of perdition and the false mode of existence, resulting from the wrong orientation of one's life towards selfish, sinful goals. It further means a turning away from every violation of God's will and law. The repentant sinner dismisses all lawlessness and injustice and submits entirely to God's law as the manifestation of his salvific will. Renouncement of sin is finally an aversion from the enticing temptations and deceitful allurements of sin and conversion to the path of truth. The convert says "yes" to the truth of God, regardless of what it may tell him or demand of him. This however leads over to the positive aspect of conversion, the renewal of one's life in love and holiness.

2. Return to God's salvific will

The Lord's call to conversion is deeply misunderstood if one sees in it only or even first of all a demand for works of penance. Of course the sinner must renounce his sins and must possess the spirit of penance, which also disposes him to works of penance. But the very heart of the invitation to conversion is a glad tidings, a message of good news. Conversion is the restoration of the first love for the God of the alliance (cf. Jer 3:12-14). It is the setting-out for the house of the father. "I will arise and go to my father" (Lk 15:18), says the prodigal son in his forlornness in the foreign land. And when he arrives home, he is accepted in joy and gladness by the father, and a feast of welcome is celebrated on his behalf.

The sermon of repentance as found in the New Testament, both in the preaching of John the Baptist and of Christ himself, is most intimately related to the coming of the kingdom (cf. Mk 1:15). True conversion means to "seek first the kingdom and his righteousness" (Mt 6:33). Conversion brings about the restoration of God's regal authority over all domains of life and disposes the convert to work and to battle together with all men of good will for the victory of the divine reign. To be converted consequently means adherence to God's plan for the world and for the community of mankind.

Hence, although conversion cannot be realized without sacrifice and laborious efforts, its purpose and goal is a most positive one: the community and friendship with the Lord, the coming of his kingdom, the salvation of mankind. It is perfectly true that repentance is necessary in order that joy can grow. But the painful and laborious element ought not to receive unilateral emphasis.

“Fruits worthy of repentance” cannot be hoped for without sowing the seed of the gladdening joy of the return to God and the rebirth into a new life.

III. Conditions of conversion

1. *Humble admission of sin and guilt*

Humility is prerequisite to true knowledge of self, to true penance and conversion. Only the humble man has the courage to admit his guilt. Pride suppresses the humiliating fact of sin and guilt in order to appease and justify itself. “Pride spoke to my memory you could not have done this. Then memory yielded; hence I did not do it.”¹⁾

Saint Augustine, the great psychologist among the Fathers of the Church, says very forcibly that the first step towards liberation from sin is “humility, and the second step is humility again, and third step is humility; and as often as you may ask, I would give the same answer, humility.”²⁾ Humility enables a man to perceive his true status in the presence of the all-holy God and to see himself as he really is with all his defects and all his need of betterment.

The Bible teaches the same lesson of the importance of humility for true conversion. In the parable of the proud Pharisee, who vaunted his virtues, and the humble publican, who with a contrite soul prayed: “God, be merciful to me a sinner,” the publican is justified and pardoned by God, not however the Pharisee. And Christ concludes with the words: “Everyone who exalts himself will be humbled, but he who humbles himself will be exalted” (Lk 18:9-14). The woman known as a sinner in the town is equally forgiven because she weeps over her sins in humble self-accusation at the feet of our Lord, washing them with her tears and wiping them with her hair (Lk 7:36-48). Profound, humble contrition characterizes the prodigal son. He does not make excuses. He does not try to extenuate his guilt by pointing out that his older brother was not kind to him or that others are also not better or even have seduced him. He casts himself before his father and plainly confesses: “I have sinned against heaven and before you; I am no longer worthy to be called your son” (Lk 15:21).

Humility is indispensable for moral health of conscience and for moral growth. It does not lose its relevance even for those who

1) Quoted by B Häring, *The Law of Christ*, vol. I, 1966, 555.

2) Augustine, *Epistola 118*, 22; PL 33, 442.

are advanced in virtue and perfection. This is illustrated by the example of the saints, who in their deep humility still call themselves great and ungrateful sinners. The further a man progresses in love and holiness, the more exalted does the ideal of perfection loom up before him, the greater appears the distance between God's holiness and man's imperfect accomplishments. Yet this awareness of the distance from the ideal at the same time leads a man always further beyond himself. This is why the humble man is exalted, besides the favour he gains in God's eyes. "Whoever humbles himself shall be exalted" (Mt 23:12). "God opposes the proud, but gives grace to the humble" (1 Pet 5:5). Such is the paradox that self-exaltation by pride drags a man down to that which is below and humility draws him up to that which is above. Pride abases the heart, but humility elevates the soul to greater perfection.

2. Readiness to the efforts of moral renewal

Acknowledgement and confession of one's sin is not enough to bring about conversion of the heart. The resistance against sinful inclinations and the fight against the evil forces which try to hold a man enslaved require mobilization of spiritual energies and the spirit of sacrifice. Even if touched and urged by divine grace, conversion has nothing of the automatic about it nor is it like the spontaneous growth of a plant. Conversion entails personal effort and combat against the powers of evil and against everything that may be described as "the lust of the flesh and the lust of the eyes and the pride of life" (1 Jn 2:16). Therefore anyone who accepts a slothful peace with the spirit of the world cannot have part in the kingdom of God. "He who does not take his cross and follow me is not worthy of me" (Mt 10:38; cf. 10:34-37). Admission of sin and grief of soul remain sterile and ineffective if not combined with the sincere prayer "thy kingdom come" and with the readiness to struggle for the coming of this reign, first in one's soul, but also in one's environment and in the world at large.

3. Openness for the gift of grace

Although conversion will not be wrought without man's willing cooperation, it is at the same time and even primarily a gift of grace by God. It is a basic Christian dogma that every step to conversion is preceded by the interior enlightenment and movement of divine grace.¹⁾ Of course the call of grace takes different

¹⁾ Cf. DS 373-375; 1551-1553.

forms and may proceed from external events or internal emotions. But lastly it must always touch and move the very heart of man.

In spite of the great importance of grace in the conversion of a sinner, its call is not compelling. The sinner can ignore God's gift and leave the invitation of grace unanswered. There is however no doubt that a man exposes his salvation to great danger if he does so. Since "grace is God's gift, and not man's own property of which he can dispose as he chooses, the sinner must fear in each instance that the grace rejected may be the last. He must fear that God will offer no further grace of conversion, that He will withdraw from him, will not enlighten him so clearly, will not knock again at his heart so loudly and perceptibly."¹⁾ Besides, rejection of the offer of grace is also a defect of love and gratitude towards God. Hence to the psalmist's warning ear should be given: "Today, if you shall hear his voice, harden not your hearts" (Ps 95:7f).

IV. Fruits of conversion²⁾

One of the signs of life is the fruit which it produces. Genuine conversion too must prove itself by the good and holy works it brings forth. The repentant sinner is expected to "bear fruit that befits repentance" (Mt 3:8; Acts 26:20).

Although *works of penance* should not be conceived as the soul of conversion, its genuineness is to be doubted if fruits of repentance are entirely lacking. All are obliged to possess the spirit of penance, though this spirit will manifest itself in different forms and degrees. The readiness to do penance should measure up to the gravity of the sins one has committed. Certainly the acts of penance ought always to be kept within bounds of right reason by the virtue of prudence. But this restriction should not be taken as a pretext to shirk every mortification and sacrifice. Against such weakening softness, the austere life of some saints (e.g. the poor life of St. Francis of Assisi) is a challenge for the Church, intended to stir up Christians from a too comfortable, indolent existence.

According to tradition, the grand categories of voluntary penance are fasting, almsgiving and prayer. Fasting is one kind of mortification to which many other forms of renunciation and voluntary sacrifice can be added which a man takes upon himself for the purpose of saying no to indolence and disordered desires. Almsgiving

1) B. Häring, *The Law of Christ*, vol. I, 1966, 399.

2) Cf. ib. 468-478.

stands for all works of brotherly love, without which the other forms of penance would remain insipid. Prayer is an authentic work of satisfaction if it comes from the heart. It includes the encounter with God in the sacraments and other forms of worship as well.

Parallel to the penitential works and in many ways surpassing them is expiatory suffering. Its essence is the prompt willingness to say yes to the divine visitations in the spirit of atonement. In many instances the patient endurance of afflictions requires a much greater spirit of penance than penitential works. The remembrance of Christ's suffering will be a most important source of strength for those visited by God.

Finally, the genuine spirit of penance will induce the repentant sinner to do everything necessary to repair the evil done to his neighbour and the community, a task which at times demands great sacrifice. Reparation must be made for the violation of love, for the scandal caused, for damage of our neighbour's honour or of his property. True conversion cannot be reconciled with the will to hold fast to unjust gain or any other profit of our sins (cf. Lk 19:8).

The spirit and works of penance are necessary fruits of conversion. Yet the sinner also realizes that they can never fully atone for the offence committed by sin against God. Therefore he will take refuge in the cross of Christ, who offered the great expiatory sacrifice, unclosing the infinite treasures of God's mercy. In isolation the sinner can never give full satisfaction to God by his works of penance, but he can do so in union with the sacrifice of Christ.

The most important fruit of conversion is of course a *new life according to the Spirit*. This entails first of all faithful adherence to God's law. According to Scripture, man's faithfulness and love for God manifest themselves precisely in obedient fulfilment of his commandments (cf. Ex 19:5f; Lev 18:5; Prov 4:4). "If you love me, you will keep my commandments" (Jn 14:15; cf. 14:21; 1 Jn 2:3-5). The convert is expected to show the fruits of faithful obedience to God's law. This expectation is not contradicted by the fact that those converts who have returned from long estrangement from God or who live in dechristianized surroundings may still fall from time to time. Yet it should be clearly understood that growth in Christian charity and liberty is only possible to the degree to which a Christian tries to acknowledge all God's law with thorough fidelity.

Genuine conversion will furthermore show an apostolic concern from the very beginning. Since conversion is commitment to Christ, it is necessarily also commitment to his kingdom and cannot lack the fruits of apostolic zeal. Conforming one's life to the great

concerns of the kingdom, apostolic zeal for the salvation of one's neighbour, defence of God's sovereign rights in the world, carrying out the mission of being the "salt of the earth" are all inseparably united. Such commitment is all the more incumbent upon the Christian, since the spiritual growth of each person is intimately linked to the general growth of the kingdom of God at large. It is easier to bring forth fruits of love and holiness in a surrounding where the values of an honest, upright life are appreciated and religiosity is alive, than in an environment dominated by immorality and religious indifference. The best means to make the fruits of love and holiness grow is therefore to pray, to work and to struggle for the coming of the kingdom of God.

V. Sacramental enactment and realization of conversion

Conversion is a spiritual occurrence which takes place in a man's soul. Yet man is also a corporal being. Wherefore the inner happening of conversion tends to express itself in external signs, and is on the other hand also called forth and intensified by external signs. "In accordance with the corporeal-spiritual, historical and social nature of man, conversion has always, though in very varying degrees, a liturgical and social aspect in all religions."¹⁾ In Christianity, the social dimension of conversion finds expression in the liturgical rites of the sacraments, which are divinely instituted manifestations of the spiritual events of conversion and sanctification and the effective means of pursuing them.

The two sacraments of conversion are baptism and penance. Baptism is the sacrament of the first conversion under the sign of an ablution by water. Through it those who are not yet Christians are admitted into the Christian community and embrace the faith in Christ. In baptism the convert turns to Christ with the desire to follow him as his disciple. And Christ turns to sinful man to welcome him home to the community with God and to make him share in the fruits of the redemption. Baptism signifies the irrevocable taking possession of the convert on the part of Christ. On the part of the baptized believer his belonging to Christ demands faithful preservation of the spiritual bonds which unite him to Christ and a constant deepening of his community with him.

The nature of baptism as a sacrament of conversion is most clearly made manifest in the baptism of adult persons who convert to Christianity from a life of unbelief or estrangement from God.

¹⁾ Karl Rahner, "Conversion", *Sacramentum Mundi*, vol. 2, 1968, 4.

Naturally in christianized countries this is more of an exception. There baptism is usually administered to children and rather has the character of a rite of initiation to the Christian faith. Nevertheless especially in Lenten time all Christians are called upon to renew themselves in the spirit of baptism and to convert themselves to a life of ever greater faithfulness to their baptismal calling.

Penance is the sacrament of the second conversion for those Christians who have gone astray and lived in a state of mortal sin; it is also the sacrament of the continued conversion for all Christians who are basically on the right path, yet still in need of greater purification. While baptism as the sacrament of the first conversion and irrevocable consecration to Christ can be received only once at the beginning of the Christian life, the sacrament of penance can be received repeatedly, as long as there is need for renewal and growth in the spirit of repentance. Therefore the sacrament of penance is actually the most characteristic sacrament of conversion for the Christian's life. The conversion to Christ in this sacrament takes the outward form of a judgement by Christ, who is represented by the absolving priest. The sacrament requires on the part of the sinner repentance, confession of his sins and satisfaction. The penance of the sinner together with the saving cross of Christ bring sin to judgement.

If inspired by sincere sorrow and embraced as an event of God's holiness and mercy, confession is a genuine act of worship and adoration. It furthermore prevents harmful repression of sin and guilt. By its very nature sin tends to hide in darkness and to disguise itself as something good. But this is not a neutral process. Rather it is a source of spiritual disturbance, conflict and illness. Humble confession brings the sin into the light. The sinner acknowledges it before God, before the community represented by the priest and, not last of all, to himself. This brings clarity to soul and mind and makes for internal peace. Penitential services of the community are suited to call more strongly attention to the ecclesial dimension of confession, conversion and forgiveness. They complement individual confession in a most fruitful way, although they cannot substitute for it entirely.¹⁾

In the present economy of salvation every salutary conversion — it does not matter whether one has received a sacrament of conversion or not — necessarily has a sacramental dimension and derives its efficacy from the mystery of Christ's death and resurrection

¹⁾ Cf. Alois Müller, "Die Befreiung zur Hoffnung. Wege der Metanoia". in *Handbuch der christlichen Ethik*, vol. 3, ed. by Anselm Hertz et alii (Freiburg: Herder, 1982), 190-194.

as the source of all sacramental grace. Traditional theology expresses this by saying that there is no possible justification for a pagan without at least baptism of desire, i.e. without the readiness to receive the baptism by water and the Holy Spirit, if he knew that this is God's will and if this were possible. Likewise no conversion of a baptized Christian who has sinned gravely comes about without at least the implicit readiness to receive the sacrament of penance, i.e. the readiness to confess his sins as soon as this obligation should come to his knowledge and as soon as confession would be possible. But conversely, every salutary reception of a sacrament, and especially of the sacraments of baptism and penance, presupposes the spirit of conversion.

The sacraments are means of sanctification, signs of the visible Church and acts of worship. As effective signs of grace, they complete and sanctify the efforts to conversion and to a more perfect life by the merits of the passion and resurrection of Christ. As signs of the Church, they are attended to by the Church community, incorporate into it, build it up and strengthen it. Finally, by their intimate relation to the redemptive work of Christ, they are essentially religious and cultic acts. They revere God's holy majesty, praise his mercy and are prayers for his graceful help. Their final goal and perfect fruit is man's transformation into a child of God, the consummate community of the divine kingdom and God's eternal glory.

B. Virtues

Moral handbooks usually conclude the section on the general principles of moral theology with the treatise on virtues. It must however be admitted that the virtue concept is not a dominant idea in Scripture. Biblical ethics do not centre in the Greek and humanistic ideal of a virtuous personality, which aims at the perfection in virtues as the highest summit of moral excellence. Christian perfection consists in conformity to the image of Christ and in the new nature created after the likeness of God in true righteousness and holiness (cf. Rom 8:29; Eph 4:24; Col 3:10f). "The process of moral development has a different ground and a different direction from any humanitarian ethics; the guiding principle is not the harmonious and perfect personality but the divinely-willed image of man renewed by Christ and brought to its eschatological accomplishment."¹⁾

¹⁾ R. Schnackenburg, *The Moral Teaching of the New Testament* (London: Burns and Oates, 1967), 305f.

Nevertheless the notion of virtue is not alien to Holy Scripture. Although the word virtue is hardly ever used in the Bible (Wis 5:13; 2 Mac 6:31; Phil 4:8; 2 Pet 1:5 are the few places where it occurs), concrete virtues are mentioned and recommended everywhere. Justice, obedience, faithfulness, mercy, patience, trust in God, fear of the Lord are some of the virtues frequently mentioned by the Old Testament. They all appear again in the New Testament, complemented still by other virtues. Against the legalistic attitude of the Pharisees, Christ emphasizes the greater importance of the virtues of justice, mercy and love (Mt 23:23; Lk 11:42). The catalogues of vices in the letters of the apostles are paralleled with contrasting catalogues of virtues. These latter catalogues unfold the central Christian virtue of love in the spectrum of all those good habits which should characterize a Christian. The believers are exhorted to put on, as God's chosen ones, love, gentleness, peacefulness, patience, meekness, compassion, forbearance, self-control, sincerity, godliness (Gal 5:22f; Eph 4:2f; Col 3:12-14; 1 Tim 6:11; Jas 3:17f; 2 Pet 1:5-7). In accordance with the eschatological character of the Christian message, virtues like vigilance, joyful readiness, sobriety, temperance, steadfastness are brought to the foreground. Yet above all "faith, hope, love abide, these three; but the greatest of these is love" (1 Cor 13:13).

I. Nature of Virtue

Virtue is a habit that gives both the inclination and the power to do readily what is morally good. Hence it is not enough to be inclined towards the moral value and to love it, although this is a very essential and indispensable element of virtue. One must also possess the dominion over one's spiritual and sensual drives and passions so as to be readily able to do the good which one esteems and loves.

Genuine virtue flows from the correct fundamental option. Virtue must be grounded in the unequivocal and definite orientation towards the supreme goal which is the glorification of God and the realization of his salvific plan for man and the world. Or more briefly, virtue must centre in the love of God. This orientation places the whole life of the soul in order. All the particular virtues are veritable only insofar as they are rooted in the true option and existential choice, which consists in the unwavering love for God and his will.

Just as the life of nature is elevated by the life of grace, so are the good natural dispositions and powers elevated by infused supernatural virtues. This is the common teaching of the Church. The Council of Trent says that in justification faith, hope and charity are infused

(DS 1530). Although this is stated as an infallible definition only with regard to charity (DS 1561), the doctrine is *fidei proximum* also for faith and hope. According to the common opinion also the moral virtues are infused (cf. the Council of Vienne, DS 904). The infusion takes place together with the imparting of sanctifying grace.

It is not difficult to understand that man elevated to a supernatural state and bound to aim at a supernatural end, must in addition have supernatural powers. What the soul and the powers of the soul are in the natural sphere, sanctifying grace and the infused virtues are in the supernatural. However, the term supernatural "virtues" seems not to be the most appropriate and precise one. For not virtues in the strict sense are infused, but supernatural dispositions and powers which correspond to the natural dispositions and powers of the soul. They do not give facility of action. They must still be developed through practice, in the supernatural as well as in the natural sphere, and acquire that facility which is distinctive of virtue.

Since through Christ's salvific work the whole man is redeemed and placed into the supernatural order, it is actually a matter of course that man's whole being with all its faculties receives a new orientation and qualification for the supernatural life as child of God and as cooperator in his salvific plan. Karl Rahner is therefore very right when he states that a concrete Christian ethics need not trouble about the distinction between natural and supernatural virtues. In the actual order of God's general salvific will, it stands to reason that the natural virtues have a supernatural finality.¹⁾

Nevertheless, the doctrine of the infused, supernatural virtues points out an important truth. Virtue does not centre in the human person and is sharply distinguished from any ethics regarding self-perfection as the ultimate purpose of the moral effort. Christian virtue has its source in Christ and tends to Christ as its fulfilment and goal. The doctrine on the infused moral virtues clearly reveals the source and goal of Christian virtue. The source is the Holy Spirit with his transforming grace; the goal is the glorification of the Father and the imitation of Christ.

II. Systems of virtues

1. *Primacy of charity*

All the great ethical systems conceive of one virtue as the principal one, which contains all the other virtues in itself. Whoever

¹⁾ "Virtue", *Sacramentum Mundi*, vol. 6 (London: Burns and Oates, 1970), 338.

possesses this virtue in a perfect way, possesses with it all the others. According to Socrates, insight or wisdom is the principal virtue. Plato regards justice as the all-embracing virtue; and Aristotle, prudence. St. Augustine considers love of God as the queen of virtues. St. Thomas places prudence at the summit of the moral virtues, whilst he gives prominence to charity as the fundamental Christian virtue. Kant proposes that the universal sense of duty is the basic moral attitude.¹⁾

In spite of the prominent place which prudence holds in the retinue of virtues, Christian ethics never failed to exalt love or charity as the most fundamental and universal. This corresponds to the clear teaching of Christ and the New Testament. According to the New Testament, the commandment of love is the first commandment, in which the whole law and the prophets are fulfilled (Mt 22:34-40 par; Jn 13:34f). Love is the greatest of virtues (1 Cor 13), "which binds everything together in perfect harmony" (Col 3:14). Vatican II takes up and continues this biblical teaching when it affirms that "the first and most necessary gift is that charity by which we love God above all things and our neighbour because of God" (LG 42).

As true as these affirmations are, they still are in need of a further clarification. The critical question is, in what does this love consist or what is its aim? Is the purpose of this love the worship of God in prayer and religious rites, the temporal happiness of the neighbour, a person's self-realization, the promotion of economic or cultural values? This question is often not given explicit attention. Nevertheless it needs to be answered clearly. Evidently the virtue of love may not aim at lower values to the neglect of superior ones. It must aim at those values which merit man's best efforts. Which are those values? They are the value of man's ultimate end and all the other goods by which this end is served and promoted. In harmony with the definition of the ultimate end, given earlier in this book, the content and goal of the virtue of love must accordingly be God's glory and kingdom, the unfolding of his work of creation and man's salvation. This agrees with the assertion that the right existential choice in a last analysis must embrace precisely these goals.

The principal virtue is perfect only if a man also possesses all the particular virtues comprised in the principal one. Charity is perfect only if a man is not only just, helpful and honest, but also

¹⁾ J. Gründel gives a good historical survey of the doctrine on virtue in the article "Tugend", *Lexikon für Theologie und Kirche*, vol. 10, 1965, col. 395-399.

patient, merciful, docile, grateful, etc. The perfect virtue of charity cannot coexist with any bad habit. In this regard, the Stoic proposition is true: A man has either all virtues or none at all. Still, true charity is nonetheless quite possible — though imperfect — alongside partial or even almost complete failure in some particular virtue, as long as this failure results from weakness and not from a perverted will. This finds its explanation in the wounded condition of fallen man. A person may suffer from certain psychic frailties, conditioned perhaps also by bodily defects, which render the exercise of the free will difficult. For this reason he may often not succeed in the mastery of his passions and drives and may succumb to bad inclinations. Nevertheless in the depth of his soul he can be dedicated to the good and dislike his failures, and therefore possess genuine love for God. Wrong attitudes which result from deficient insight into the real demands of the moral value can of course also coexist with a basically correct fundamental option.

Totally incompatible however with the virtue of charity, even with imperfect charity, is a fully deliberate adherence to a serious vice. Such attachment would betray a mind which is not really concerned with the will of God and his goals. What has the likeness of virtue in such a case, e.g. diligence or thriftiness, is only a useful means in the pursuance of vicious, selfish goals, wealth or power for example, and therefore vicious and selfish itself.

2. *Diversity of virtues*

The distinction among the virtues arises from the fact that the principal virtue of charity has to be applied to different objects, e.g. speech as means of communication which demands truthfulness, or to commercial exchange of goods which demands commutative justice, etc.

According to whether a virtue has as its immediate object God and divine perfections or human beings and realities pertaining to the created order, distinction is made between theological virtues and moral virtues. Tradition lists three theological virtues, which are grouped together already by St. Paul: faith, hope and charity (1 Cor 13:13 and elsewhere). There are however still other virtues which have God as their immediate object and are therefore to be called theological virtues as well. This is above all true of the virtue of religion, but also of the virtues of piety, the fear of the Lord, and others.

Among the moral virtues four important, basic attitudes have been singled out from ancient times: prudence, justice, fortitude

and temperance. This quadruplet can be traced back to Greek philosophy (Plato, Aristotle), and the Wisdom Book of the Old Testament mentions it (Wis 8:7). St. Ambrose gives the four virtues the name of cardinal virtues, because they are considered as hinges ("cardines") on which the whole moral life turns. St. Thomas groups around them as supreme species all the other mortal virtues. However J. Fuchs justly observes that this scheme does not prove fully satisfactory.¹⁾ Not only is the virtue of prudence of a more universal character than the three other cardinal virtues and therefore of a different kind, since every virtuous act is to be ruled by prudence. But above all certain basic virtues do not appear in this scheme which are of importance particularly for the Christian, e.g. humility (added by B. Häring to the four cardinal virtues as a fifth, typically Christian one)²⁾, obedience, gratitude, fraternal love. Hence the scheme of the cardinal virtues ought to be supplemented by still other virtues.

III. Fundamental requirements for virtue

1. Moral knowledge and prudence

Man's decisions can reach no further than the light of the knowledge he has of the moral values. He cannot develop a virtue unless he has at least some unreflex insight and knowledge of the value it endeavours to realize ("Nihil volitum nisi praecognitum.") If orderliness, neatness, thriftiness, comradeship, godliness are not apprehended as values, no corresponding virtue can develop. Of course the neglect of these values in default of insight will not be a vice in the strict sense either, because where understanding is absent, responsibility is also lacking. Nevertheless absence of these values is a deficiency which is to be deplored and which ought to be remedied.

Hence arises the need of proper education, instruction and formation. The child must be guided by his parents and educators to perceive the moral values and to gain an understanding why certain things are good and therefore ought to be done. Yet also in later years the need for such instruction continues. Entire communities may stand in want of education for certain values, e.g. fraternal acceptance of minority groups, tolerance, industry, corresponsibility in public life, etc. An important role in the extended education falls to

¹⁾ Josef Fuchs, *Theologia Moralis Generalis. Pars Altera* (Ad usum privatum). — Rome: Gregoriana, 1966/7, 220.

²⁾ *The Law of Christ*, vol. I, 1966, 546-557.

the Church. One of the prominent tasks of her ministers is precisely the accomplishment of this mission in the preached and written word. Finally, individuals themselves are obliged to perfect their insight into the values of the moral order and to continue the formation of their conscience. For ignorance is an excuse only if it is not the result of superficiality, indolence or even bad will.

For the practice of virtue it is further imperative to apply the demands of the moral value rightly to the concrete situation. This is the task of prudence. Prudence disposes a man to discern correctly what measures he must take to realize the exigencies of a virtue as well as possible in the concrete circumstances. Prudence is concerned with the means proportionate to the end, as St. Thomas says. Again, this is a question of the right insight into the demands of the moral values. If this insight is lacking without one's fault, no sin is committed; but on the other hand neither can the practice of the virtue be considered as perfect.

Because of this general importance of prudence for the practice and perfection of virtue, prudence is not to be regarded as one virtue besides many others, but as an integral element in the structure of every virtue.

The formation and cultivation of prudence requires first of all acquisition of practical knowledge, which is gained by the study of history and concrete situations (*"memoria praeteritorum"*), and which is obtained from the lessons of personal experience.

Furthermore a man must learn to look carefully into the concrete circumstances, to appreciate the importance of cautious deliberation, and above all to accept advice. Nature has not been equally generous in bestowing the gifts of clear insight and good judgement on various individuals. Not all have sufficient common sense, even with the best of effort and good will. But all can accept advice. Those who are less provided with the gifts of insight and reason ought all the more to possess humble docility, which knows to profit by the counsel and experience of others. The more prudent one is, the less likely will he spurn the counsel of others.

All the valuable excellences of prudence, like practical insight, circumspection, cautious deliberation, docility, can also be placed in the service of evil, sinful goals. In this case we are confronted with the prudence of the flesh. Obviously, then, it depends on the love which prudence serves whether it is spiritual or carnal. Hence endowment with the good qualities of prudence alone by itself is not yet the certain mark of a virtuous man.

However this cannot equally be said of prudence perfected by the gift of counsel. It makes a man attentive to the voice of God

and docile to the guidance of the Holy Spirit. Wherefore this prudence is the sign of a spiritual man. It is already invested with love for the true values.

2. Love of moral value

There is a profound difference between the conceptual knowledge of the moral good and the devoted, effectual love for the moral value. The abstract cognition of something as good and the perception of the intrinsic reason why it is good does not arouse personal enthusiasm and does not yet beget virtue. The beauty and goodness of the moral value must be deeply sensed and truly loved, if a virtue shall develop. This existential awareness and active love of a moral value is much more decisive for the formation of virtue than the clear conceptual understanding of the moral good. A simple peasant with his simple understanding but deep love of God and of good, may possess the virtue of a saint, while theoretic moral knowledge is by no means yet the guarantee of a virtuous, holy life.

Love for the moral value is attained and fostered by the deepening and faithful pursuance of the right existential choice. Consequent continuation of the option for God's glory and salvific reign will necessarily lead to growing love for the good and to discovery of always new values. Thus the existing virtues will be strengthened and the growth of new ones brought about. A further important means to attain to love of virtue is the concrete experience of its beauty and amiability, be it in the example of another person or a winning ideal in literature, theatre and film, or be it, usually at a later stage, through personal practice.

The greatest and most influential example for the Christian is the person of Christ. "This is Christianity's unique contribution to ethics: the identification of the moral ideal with a historical person; the translation of ethical theory into concrete terms in a real human life; the expression of moral obligation in the language of personal loyalty; and the linking of the highest moral aspiration with the most powerful motives of personal admiration, devotion, gratitude, and love."¹⁾ Instead of the abstract rule, often offered by philosophers, "to act in accordance with reason", Christianity teaches its believers the concrete norm of the imitation of Christ. All through the centuries it has been a great moving force on the way to virtue and holiness for innumerable Christians.

¹⁾ R. E. O. White, *Biblical Ethics* (Exeter: Pater Noster Press, 1979), 231.

Still it remains a mystery why the human will in some instances finds the strength to love the true values and to make the right existential choice, and why in other instances, in spite of sufficient knowledge and incentives, it does not find the strength and decides instead to follow the course of evil. One truth however must still be considered. The master of the human heart is God. It is in his power to change it. Man ought therefore to turn to him in humble prayer for his transforming grace and for the necessary help in attaining to the right love. Confident and persevering prayer is not the least of the means to be used in the pursuit of true values and in the education to love for goodness.

3. Dominion over passions

Traditional theology stresses repetition of virtuous acts as the means to acquire facility in doing good as the characteristic of the habit of virtue. Knowledge and love of value are certainly most essential conditions for the acquisition of virtue, but the realization of the moral value can still be impaired by insufficiently controlled passions. They can even suffocate the very love for virtue. Hence virtue presupposes dominion over the passions, and this dominion is to be acquired by repeated practice of moderating restraint or strenuous engagement.

Dominion over passions does not constitute the essence of virtue. The essence of virtue consists in love for the true values, which is the most decisive element. A man who adheres to this love is basically good, although not yet virtuous if he should still lack much in the control of the passions. On the other hand, a sincere love of virtue will certainly keep trying to gain mastery over the passions.

The initiative in the bridling of passions may be taken by educators, especially in younger years, or by the individual himself. Parents doubtless render their children a great service if they urge and train them to dominate their drives and inclinations in a habitual way, e.g. to keep order in their belongings, to give precedence to visitors at table, to behave reverently in religious places, etc. The same is true for all educators of the youth. Such training will spare the grown-up many troubles and additional efforts, since the acquisition of good habits usually becomes more arduous in later years. Nevertheless in every case adults have still to complete the work of the educators of their youth by the work of self-education.

The stress on repetition, mechanical exercise and consuetudinary habits is not seldom criticized, because it would favour super-

ficial routine, bare of the qualities of real virtue. This criticism contains some valid truth. Good behaviour patterns are not to be identified with virtue. The essence of virtue does not consist in them but, as has been said before, in the love for true values. Yet the criticism is very wrong if it belittles and even ridicules the educational training and exercise in good habits. The habitual control over passions renders the practice of virtue easier and more efficient. No perfect virtue can exist without it. Habitual dominion over passions, too, is an integral part of virtue.

C. The universal call to perfection and holiness

The moral teaching of the past not seldom left the impression that striving after perfection was only the concern of a few more generous souls, especially of the religious insofar as they belong to the "state of perfection". It was assumed that the greater number of Christians would content themselves with a life according to the commandments without higher aspirations, and that indeed no more was required from them. Good deeds and obligations that go beyond the demands of the commandments were considered "works of supererogation". This understanding is above all based on the conversation of Christ with the young rich man (Mt 19:16-22 par). In answer to the question of the young man: "Teacher, what good deed must I do, to have eternal life?", Christ merely lists the commandments. Only when the young man replied that he had observed all these from his youth, Jesus added: "If you would be perfect, go, sell what you possess and come, follow me." Hence, it was concluded, the observance of the commandments is sufficient for the attainment of eternal life. Further demands concern only those who want to be perfect.

This distinction and separation was also encouraged by the traditional approach to moral theology, which as a rule limited itself to the strict obligations and duties of Christian life and left the ideal of perfection and holiness to ascetical and mystical theology. For this reason moral handbooks usually do not include a chapter on the perfection of the Christian life.¹⁾

The express wish of the Fathers of Vatican Council II however is that moral theology should also "show the nobility of the Christian vocation of the faithful, and their obligation to bring forth fruit

¹⁾ Exceptions to this are Fritz Tillmann, *Handbuch der katholischen Sittenlehre*, vol. 3: *Die Idee der Nachfolge Christi* (Düsseldorf: Patmos, 1949), 190-205; and Mausbach/Ermecke: *Katholische Moraltheologie*, vol. 1 (Münster: Aschendorff, 1959), 310-318.

in charity for the life of the world" (OT 16). The Dogmatic Constitution on the Church furthermore dedicates an entire chapter to "the call of the whole Church to holiness" (LG 39-42). Basing itself particularly on Holy Scripture, the Council concludes: "Thus it is evident to everyone that all the faithful of Christ of whatever rank or status are called to the fullness of the Christian life and to the perfection of charity" (LG 40).

Since, then, the call to perfection is a universal one and since it represents not only a counsel but an obligation, it is certainly suited, if not imperative, to give some consideration to it in a systematic treatment of moral theology.

I. Defective ideals

Popular opinion frequently conceives of holiness as the performance of more and more good works, zeal in religious practices, conscientious participation in parochial organizations and abstention from any vices. "Many today think of the christian life as meaning, first, a certain amount of church-going, saying of prayers, pious practices, and secondly, not breaking the commandments, which in practice boils down to not breaking the sixth commandment and the commandments of the Church...Further, growth in holiness may easily be taken to mean piling up more and more prayers and pious practices and becoming more and more free of any sense-entanglements."¹⁾

Seen from this point of view, holiness becomes conformity to what is commonly accepted as good and pious in a religious community. The stress is then placed on exterior signs of piety and respectability. Certainly this exteriority must not automatically be dismissed as pharisaism. There may indeed be much real moral goodness in this kind of religiosity. "However, there will always be a certain lack of depth and a definite one-sidedness, an incompleteness that will make it impossible for such persons to attain to the full likeness of Christ, unless they can transcend the limitations of their social group by making the sacrifices demanded of them by the Spirit of Christ."²⁾ In persons with neurotic and scrupulous propensities, the emphasis on external conformity to social norms and ideals may result in types of moral perfectionism which psychologists often feel compelled to oppose on behalf of a person's

¹⁾ Gerald Vann, "Holiness and Humanness", in *Moral Dilemmas* (London: The Catholic Book Club, 1965), 32.

²⁾ Thomas Merton, *Life and Holiness* (New York: Herder and Herder, 1963), 13.

spiritual health and authentic maturity.¹⁾

The misunderstanding here is the same as the one to which moral handbooks and rules of religious orders are frequently exposed. Their norms and guidelines are often taken as the sum total of what a faithful moral or religious life requires of a person. In reality however they are only able to outline a general framework of the moral and religious life. Doubtless these norms and rules are truly obligatory for those for whom they have been laid down. But since every man or woman is not merely an instance of the general category of man or religious, but has also been gifted with his or her individual talents and charisms, they have also to attend to their particular vocations within the universal calling of all mankind. Being unique and unrepeatable, this personal vocation cannot be found in any general book of moral and spiritual theology. It can only be discerned by personal faithfulness to the promptings of the Holy Spirit in a person's heart. A holy person therefore is one who is guided by the presence and action of God and who lives up to his personal call.

The popular idea of perfection and sainthood is often still further corroborated by the conventional descriptions of the lives of saints and the works of pious art. They tend to idealize the saints, to retouch their weaknesses and to conform them to the popular concept of a holy person. Since the saints have the approval of the Church, her commendation is usually also extended to their biographies. "In this way, the Christian who devotes himself to the pursuit of holiness unconsciously tends to reproduce in himself some features of the popular stereotyped image."²⁾ He imagines himself in some sense obliged to follow this pattern.

Yet in order to become a saint, a man or a woman must first live a life in all the humanity and fragility of man's actual condition. "This implies a greater capacity for concern, for suffering, for understanding, for sympathy, and also for humour, for joy, for appreciation of the good and beautiful things of life."³⁾ To be in love with God is to be in love with his creation. Seeking the glory of God, the saint wishes himself to be nothing but a pure instrument of the divine will. That is the Christian ideal.

The striving after holiness is a kind of dialectic between ideals and reality. Ideals, which are generally based on universal ascetic

¹⁾ Josef Rudin: *Psychotherapy and Religion* (Notre Dame/London: University of Notre Dame Press, 1968), 203-228 (c. X: "Neurosis — Perfectionism — Piety").

²⁾ Thomas Merton, l. c. 18.

³⁾ *Ib.* 21.

norms intended for everybody, “cannot be realized in the same way in each individual. Each one becomes perfect, not by realizing one uniform standard of universal perfection in his own life, but by responding to the call and the love of God, addressed to him within the limitations and circumstances of his own peculiar vocation.”¹⁾ Of course each one is called to serve God and praise him within the scope of the universal destiny of the entire human family. But he is called to do so according to his own, personal vocation and the requirements of his own, unrepeatable task.

II. The call to perfection in Holy Scripture

The call of the people of God to holiness and perfection is a doctrine characteristic of the Old as well as of the New Testament. “Be holy, for I am holy” (Lev 11:45; 19:2), the Levitic command enjoins in the Old Testament. In the New Testament this precept has its parallel in Christ’s mandate: “Be perfect as your heavenly father is perfect” (Mt 5:48). What these two precepts summarize in brief formulas, shall be made more explicit in the following.

1. *The Old Testament.* The Hebrew words that are mainly used to express human perfection are *tom*, *tam*, *tamim*. Their chief connotation is sinlessness, completeness, blamelessness. It is to be noted that the Old Testament does not ascribe the attribute of perfection to God. God is holy; that is to say, he is of a completely other order than the beings of this world. One does not qualify him as “perfect”. In Hebrew the word applies only to created, limited beings. If the Old Testament speaks of perfection in God’s works (Deut 32:4), his laws (Ps 19:7), his ways (2 Sam 22:31), this remains in basic agreement with this usage.

When the God of holiness chooses a people for himself, this people becomes holy in its turn, i.e. consecrated and separated from the profane. At the same time, a demand for perfection is imposed on it. What is consecrated must be whole and without defect. The wholeness required from man consists in his religious and moral integrity. Yahweh must be served with a perfect heart in all sincerity and fidelity (Deut 6:5; 10:12; 1 Kings 8:61).

The upright Israelite must be “blameless” before the Lord (Deut 18:13), which means to belong to him whole-heartedly, without practising idolatry, sorcery and other abominations (Deut 18:9-12). Of Noah we read: “Noah was as righteous man, blame-

¹⁾ Ib. 29.

less in his generation; Noah walked with God" (Gen 6:9; cf. Sir 44:17). Exemplary conduct could be described in these terms (cf. also Gen 17:1; Job 12:4). The righteous, God-fearing man "walks in integrity" (Ps 101:2.6; Prov 11:20; 20:7; 28:18). "To walk blamelessly" and "to do what is right" is the same thing (Ps 15:2; 25:21; Prov 2:21).

On the basis of the covenant, man is above all expected to keep God's commandments and to serve him whole-heartedly. "Take good care to observe the commandment and the law which Moses the servant of the Lord commanded you, to love the Lord your God, and to walk in all his ways, and to keep his commandments, and to cleave to him, and to serve him with all your heart and with all your soul" (Josh 22:5; cf. Num 15:40; Deut 10:12; 11:13).

In a particularly prominent way, the demand for an entire, complete dedication to God is expressed in the great commandment of the love of God. "You shall love the Lord your God with all your heart, and with all your soul, and with all your might" (Deut 6:5). This love is a matter of the whole person. It demands a total gift of a person to the service of God. In short, it demands a perfect love.

As already indicated in some of the earlier scriptural references, the idea of perfection is often associated with "way" and "walking". The demand "to walk humbly with God" is a most eloquent expression of the covenant ethos of the Old Testament. "It contains echoes of the memory of the exodus when Israel set out on the way not only into the promised land but also into her own history with Yahweh as her leader."¹ Our minds must be open to this association when we meet such expressions in the Old Testament as "walking with God" (Gen 6:9; Mal 2:6), "walking in Yahweh's ways" (Deut 19:9; 28:9; Ps 81:13) or "walking in God's sight" (Gen 17:1; 48:15; 1 Kings 9:4). A man is perfect when he walks with God or in God's way, and avoids any way which is sinful and so leads him away from God. From this viewpoint, human existence before God acquires a uniquely dynamic quality and openness to the future.

In summary, the OT concept of perfection can be defined as whole-hearted service of God through obedient fulfilment of his commandments and faithful, undivided love. This ideal envisages the covenant people as a whole. It is therefore marked by a

¹ A. Deissler, "Perfection", *Encyclopedia of Biblical Theology*, vol. II, ed. by J. Bauer, 1970, 661f.

universal character and meant as a goal that can and should be aimed at by every member of the covenant people.

2. *The New Testament.* So far as the term goes, there are only two passages in the Gospels in which Jesus makes explicit statements about perfection. Once in the Sermon on the Mount we find the exhortation: "Be perfect as your heavenly Father is perfect" (Mt 5:48; cf. 1 Pet 1:16). Since the preceding logion exhorts to selfless love of neighbour and enemy according to the example of the Father in heaven, who makes his sun rise and who sends his rain over the evil and over the good, it is possible to recognize that the perfection for which the disciples of Jesus must strive consists above all in boundless love, which takes its measure from God. How much this love exceeds the normal measure is shown by the fact that it is extended even to enemies.

The other text is the pericope of the rich young man according to Matthew's version (Mt 19:16-22). Perfection as understood here adds to the OT concept of perfection the demand of close, generous discipleship of Jesus, which prepares a man even to total renunciation of all possessions. It has often been concluded that Jesus admits two standards of Christian life in this pericope: the state of the commandments alone, which is sufficient for eternal life, though not for the closest friendship with God, and the state of perfection, which is optional and reserved for more generous souls. Yet such an interpretation encounters difficulties in the general teaching of Holy Scripture on perfection, which is considered as a goal to be aimed at by all. Furthermore, by the fact that the rich young man refuses to give up his riches, participation in the kingdom of heaven is gravely endangered for him (Mt 19:23f). Hence it seems that for the rich man observance of the commandments was not simply sufficient to attain eternal life.¹⁾ Obviously not everybody is called to a life according to the counsels. The invitation to a life of poverty in closest fellowship with Christ addressed to the young man was a special call. It differs from the mere observance of the commandments as the particular differs from the generic. The observance of the commandments constitutes the universal condition for the attainment of eternal life. Everybody is supposed to fulfil them. But according to his indi-

¹⁾ With this agrees that the wording in the parallel texts of Mark 10:21 and Luke 18:22 has instead of Matthew's "if you wish to be perfect" the phrase "one thing you still lack". The "thing" is the interior freedom in regard to riches, a freedom which would have permitted the young man to follow Christ unconditionally.

vidual gifts, each person has still his personal vocation, which imposes upon him additional obligations. For some Christians this special vocation consists in the life according to the three evangelical counsels, for others in the adherence to other counsels, for others in the married state, etc. No universal ruling and law is possible with regard to the personal call. Only this universal rule can be deduced from the pericope of the rich young man, that everybody is expected to follow Christ in generous discipleship, ready to renounce everything that would hinder him to reach the perfection proper to his vocation.

Another text of fundamental importance for the idea of perfection in the Gospels is — as already before in the Old Testament — the great commandment of love, this time however enlarged by the inclusion of the love of neighbour. Even though the term perfection is not mentioned in this text, its formulations demand nothing less than a love which is perfect. The commandment to love God with one's whole heart and to love one's neighbour as oneself sums up the whole law. It is its perfect fulfilment (Mt 22:37-40; Mk 12:30f; Lk 10:27f).

But also the person of Jesus Christ himself, whose life story is the object of the Gospels, is a new revelation of the meaning of holiness. By the repeated demands to close fellowship with him, holiness becomes a challenge for all Christians (Mt 10:38 par, 16:24 par; Jn 12:26; 13:15.34). "The Holy Spirit reproduces in the Christian community the holiness which Jesus embodied and which he revealed as humble self-giving charity."¹ The life resulting from it is concerned not in the first place with self-perfection and humanistic altruism, but with the glorification of God and the dedication to his kingdom.

According to John, love of God and of Christ manifests itself in the observance of their commandments, especially of the new commandment of fraternal love according to the example of Christ. "He who has my commandments and keeps them, he it is who loves me; and he who loves me will be loved by my Father, and I will love him" (Jn 14:21; cf. 14:15.23f. 15:10). The first epistle of John completes the thoughts of the Gospel and states explicitly that perfection in love of God is shown by keeping his commandments and by love of one another. Whoever obeys God's commandments and "keeps his word, in him truly love for God is perfected" (1 Jn 2:5). And "if we love one another, God abides in

¹ *Man's Concern with Holiness*, ed. by Marina Chavchavadze (London: The Catholic Book Club, 1972), 16.

us and his love is perfected in us" (1 Jn 4:12). John thus continues the teaching of the Old Testament with regard to faithful observance of God's commandments as the way to perfection; but he also goes beyond it by the emphasis on the new commandment of love according to the example of Christ, who is its model and measure (Jn 13:34; 1 Jn 2:6).

For the apostle Paul, too, the will of God is directed primarily towards the perfect. "Do not be conformed to the world but be transformed by the renewal of your mind, that you may prove what is the will of God, what is good and acceptable and perfect" (Rom 12:2). "The standard of christian perfection may be considered from two aspects. On the one hand it is for Paul (as for Jesus) love, which binds all the other virtues together into one (Col 3:14)...From another point of view the standard of christian perfection is to be found in the glorified Christ himself; for in him is that goal which is to be set before the eyes of every man as 'perfect'".¹⁾ The perfect Christian is the man who attains "to mature manhood, to the measure of the stature of the fullness of Christ" (Eph 4:13). Paul is aware that perfection is a goal which lies before him and which neither he himself nor his Christians reached yet. "Not that I have already obtained this or am already perfect; but I press on to make it my own, because Christ Jesus has made me his own" (Phil 3:12). And he wishes that his Christians be equally minded and keep striving after the goal of perfect manhood in Christ (Phil 3:14f; Col 1:28f; 4:12).

The letter to the Hebrews admonishes the believers to press on and to "leave the elementary doctrines of Christ and go on to maturity" (Heb 6:1). The Christian life is regarded as the life of a wanderer with Jesus and to Jesus in heaven. "Let us run with perseverance the race that is set before us, looking to Jesus the pioneer and perfecter of our faith" (Heb 12:1f). Perfection is understood as a goal towards which the Christian wanders with Jesus as long as he lives.

III. Essence and universality of the call to perfection

1. *Nature of perfection*

The study of Holy Scripture has brought forth several aspects of the concept of perfection. Perfection is conceived as whole-

¹⁾ F. Mussner, "Perfection", in *Encyclopedia of Biblical Theology*, vol. II, 1970, 664f.

hearted service of God, as obedient fulfilment of God's precepts, as selfless, dedicated love for neighbour, as close discipleship of Jesus.

Theological reflection further unfolds the concept of perfection in the light of man's ultimate end and the fundamental option for it. Under this aspect, perfection can be defined as the most consequent realization possible of the whole-hearted option for God's creative and salvific will.

Option for God's will is a person's assent to God, by which he makes his own the plans God has for creation as a whole and for mankind and each person in particular. The concept of perfection can therefore be further unfolded as dedicated, whole-hearted service to the greater glory of God, to the unfolding of his creative designs, to the establishment of Christ's kingdom of justice, love and peace, and to the universal welfare and development of fellowmen. Perfection finally consists in the thorough development of all one's personal abilities and graces required for the efficient fulfilment of one's role in the Mystical Body. All these aspects and dimensions are comprised in the unreserved decision for the divine will. They are assured, advanced and realized in a life that has attained to perfection.

Perfection is a goal towards which the Christian has to strive, but which perhaps only few are able to realize fully during their life time, e.g. the saints. Even St. Paul judges of himself, in the letter to the Philippians, that he has not yet obtained the goal of perfection, but is still pressing on to it (Phil 3:12-14). Hence one ought not to expect prematurely perfection from oneself or from others; and one ought not to be discouraged by the perception of one's shortcomings and imperfections. This in fact is the normal condition of human life. Reason to be frightened exists only when a man ceases to strive further and is no longer willing to take upon himself the efforts of continued moral progress and growth. But as long as a man proceeds on the way of holiness, he complies with the calling to be perfect, even though he actually still falls short of the ideal.

Hence the call to perfection must be understood as dynamic, not as static, in the sense that a man is expected not to be perfect already here and now, but rather to keep striving towards the appointed goal. For this reason "the Christian, in virtue of his vocation to perfection, is not always obliged to do that which is more perfect in itself."¹⁾ His obligation is to take that step which at

¹⁾ Bernard Häring, *Toward a Christian Moral Theology* (Notre Dame, Ind.: University of Notre Dame Press, 1966), 27.

the present moment corresponds to his growth and moral strength.

Perfection can also be called dynamic in the sense that even where the goal is reached, a man must still realize his virtue in always new tasks. He must try to keep up with the progress and be open for the new requirements of the times. From this point of view, human life can rightly be described with Holy Scripture as a "walking" in God's ways and wayfaring with the Lord.

Holiness, it must furthermore be noted, is not primarily a matter of a technique nor is it a merely individual affair. Holiness is primarily a gift of grace from God, which gift he wants to be mediated through the Church as the community of the people of God. For it pleased God "to make men holy and save them not merely as individuals without any mutual bonds, but by making them into a single people, a people which acknowledges Him in truth and serves Him in holiness" (LG 9) He therefore chose the race of Israel as his people and made it holy unto himself. This was done by way of preparation for the more perfect covenant in Christ, who founded the Church as the new people of God. "Christ, the Son of God, who with the Father and the Spirit is praised as being 'alone holy', loved the Church as his Bride, delivering himself up for her. This he did that he might sanctify her" (LG 39).

Individual holiness is participation in the holiness of the Church, which she has received through Christ from God. Hence everybody belonging to the Church is sanctified in his innermost being. But it remains every man's personal task to live up to this existential holiness in concrete, daily life. The divine gift of sanctifying grace and holiness must find personal expression and development in a corresponding striving for perfection.

2. Universality of the call to perfection

The universal call to holiness and perfection is a particular concern of the Dogmatic Constitution on the Church of Vatican II. It states most clearly that "all the faithful, whatever their condition or state, are called by the Lord, each in his own way, to that perfect holiness whereby the Father Himself is perfect" (LG 11). All the members of God's people "have the same filial grace and the same vocation to perfection", although not everybody is to proceed by the same path to this goal (LG 32). Not content with pronouncements of a brief nature, the Council Fathers dedicate an entire chapter to the subject, entitled "The call of the whole Church to holiness" (LG 39-42, ch. V). They leave no doubt that according to their conviction "the Lord Jesus, the divine Teacher and Model

of all perfection, preached holiness of life to each and every one of his disciples, regardless of their situation." "Thus it is evident to everyone that all the faithful of Christ of whatever rank or status are called to the fullness of the Christian life and to the perfection of charity" (LG 40).

The reason for such emphasis must be sought in the above-mentioned doctrines and theological interpretations of the past, which used to distinguish between ordinary Christians, who live a modest life according to the commandments without higher aspirations, and the more generous souls, who do more than is their strict obligation and follow Christ's call to perfection. Particularly the religious life according to the three evangelical counsels and the priestly life of celibacy were considered as the embodiment of the more perfect fellowship of Christ; while the laity in the world was regarded as the ordinary Christians who live the life according to the commandments only. This led to an over-emphasis on the religious and clerical state within the Church and to an undervaluation of the calling of the laity.

The inadequacy of this theological and ascetic teaching was strongly felt by the Council. It wished therefore to underline precisely the importance of the laity in the Church. Hand in hand with it goes a shift from the institutional to the charismatic and spiritual Church. One important fruit of such re-examination of the role of the laity in the Church is a better understanding of the universal call to holiness of Christians, laity, clergy and religious alike.

Apart from the controverted passage on the rich young man, there is no doubt that the biblical call to perfection always addresses all the members of the chosen people and of the Christian community. Everybody is required to love God with his whole heart, to love his neighbour as himself and to be perfect in his love (Mt 5:48; 22:37-40 par; 1 Jn 2:5). All the Christians are summoned to live "as if fitting among saints" (Eph 5:3).

Theological reason leads to the same conclusion. God created man to make manifest in him and through him his glory. He wanted him to be a cooperator of his divine, salvific plans. Since this task is the very reason of man's existence, he ought to live totally for it. He should perform it with all the abilities he possesses, as well as he can, and as a faithful servant of the Lord. This concerns not only Christians but all mankind. All men are called to bring the work of the creator and redeemer to completion.

The chief commandment of love of God and neighbour is most clearly revealed in Scripture, but also outside of Christian revelation men have been able to arrive at the knowledge of it.

Sincere love does not set itself limits in charity, but wants to do as much good as is in its powers. "It cannot be said," writes St. Thomas, "that this or that degree of love comes under the commandment, and another which exceeds the limits of the commandment is only a counsel. On the contrary, everyone is commanded to love God as well as he can."¹) With growing intellectual, psychological and religious maturity, an ever more perfect love is not only regarded as desirable in a man but is expected from him.

The Dogmatic Constitution on the Church sees man's call to perfection grounded above all in his existential consecration by the grace of God. God wants all men to be sanctified by his Spirit and to be partakers of the divine nature. All "followers of Christ are called by God, not according to their accomplishments, but according to His own purpose and grace. They are justified in the Lord Jesus, and through baptism sought in faith they truly become sons of God and sharers in the divine nature. In this way they are really made holy. Then, too, by God's gifts they must hold on to and complete in their lives this holiness which they have received" (LG 40).

3. Manifold realization of the one, common call to holiness

In the foregoing it has been pointed out that there is no double standard of morality for Christians, one for religious and priests and another for the laity. All are called to "maturity in Christ", to Christian holiness, to a life in conformity with the gift of grace. The sublime ideals of the Sermon on the Mount belong just as much to the layman as to the religious. The Christian in the world and marriage is not some sort of second class member in the Church, but a full citizen of the kingdom of God. All stand under the same law of the Spirit.

The call to holiness is common for all, but the way to perfection is manifold and of greatest variety. Every person receives his individual measure of grace. God has given each one his own law of life according to the task assigned to him in the creator's divine plans and the work of salvation. In other words, each man has his own vocation. As much as Vatican II insists on the common call to holiness, it also clearly states that "every person should walk unhesitatingly according to his own personal gifts and duties in the path of a living faith" (LG 41).

¹) *Contra retrahentes*; quoted by B. Häring, *Christian Maturity* (New York: Herder and Herder, 1967), 132.

The individual realization of the common call to holiness depends on the personal gifts in the order of nature and grace, on the concrete circumstances and conditions of one's life, and on the personal guidance by the Holy Spirit. To find his true vocation, a person must be vigilant and open towards the call of grace in his heart. A life under "the perfect law, the law of liberty" (Jas 1:25; 2:12) requires confident docility to the Spirit of Christ and high-minded renunciation of all self-seeking wishes.

The Dogmatic Constitution on the Church gives some concise indications how the ideal of holiness ought to be realized in the different states of life. Expressly mentioned are bishops, priests, ministers of lesser rank, married couples and parents, labourers, those oppressed by poverty, sickness, or other hardships (LG 41; for priests see also PO 12), and religious (LG 46f). All men, whatever the conditions, duties and circumstances of their lives, are called to grow in holiness day by day through genuine loyalty to their personal vocation, to their tasks in the family, in their private profession and public life, a loyalty which always keeps in mind the universal goals of the creator and the great concerns of the kingdom of the Lord.

IV. Pathways of holiness

Speaking of the ways to holiness, Vatican II writes that the first and most necessary gift is charity. Furthermore, "if that love, as good seed, is to grow and bring forth fruit in the soul, each one of the faithful must willingly hear the Word of God and with the help of His grace act to fulfil His will. Each must share frequently in the sacraments, the Eucharist especially, and in liturgical rites. Each must apply himself constantly to prayer, self-denial, active brotherly service, and the exercise of all virtues" (LG 42).

Holiness is not merely the absence of sin. Primarily it is creative love in the service of the kingdom of God. "It can be said that our holiness is proportioned to our capacity to serve as instruments of his love in establishing his kingdom and building up his Mystical Body,"¹⁾ Charity as the constitutive element of holiness is not possible without an interior poverty of spirit, which enables a person to practise solidarity with the unfortunate, the underprivileged, the dispossessed. "A shortsighted and perverse notion of charity leads Christians simply to perform token acts of mercy,

¹⁾ Thomas Merton, *Life and Holiness* (New York: Herder and Herder, 1963), 112.

merely symbolic acts expressing good will. This kind of charity has no real effect in helping the poor.”¹⁾ It is not enough to reach into one’s pocket and hand over a few dollars. A greater concern than that is required. Until one has gained the deep sense of charity which inspired Christ, one cannot understand the full depths of Christian perfection.

Moreover, since holiness requires vigilant openness to the call of grace and the guidance of the Holy Spirit, it presupposes the spirit of prayer. The entire Christian life ought to be a permanent listening to God’s invitation and call. The spirit of prayer includes the meditation on the word of God in Holy Scripture, participation in the liturgical life of the Church and frequent sharing in the sacraments. The sacraments are mystical signs in which God works and which awaken our hearts and our minds to respond to God’s action in our lives.

The observance of the commandments is another precondition of holiness, even if holiness does not exhaust itself in it. “Let us be quite clear: the purpose of the divine vitality *is* to help us keep the commandments, *is* to help us control our senses and emotions, *is* to keep us faithful to our prayer and our church-going, *is* to give us energy and zeal for good works: we never outgrow the need for these things and we cannot side-track them: there is no short cut.”²⁾ The path to holiness starts from these basics. We cannot love God without keeping his commandments (cf. Jn 14:21; 15:10).

But beyond the observance of the commandments and the practises of the religious life, holiness is ultimately a life of trusting surrender to God together with Christ. Holiness includes every virtue, but it is more than all virtues together. “What matters above all is not this or that observance, this or that set of ethical practices, but our renewal, our ‘new creation’ in Christ (see Gal. 6:15). It is when we are united to Christ by ‘faith that works through charity’ (Gal 5:6) that we possess in ourselves the Holy Spirit who is the source of all virtuous action.”³⁾

Christian perfection is the holiness of Christ in us. This is the ideal. In the practical pursuit of this ideal, however, we must know how to begin at the lowest rung of the ladder and climb step by step towards the summit, always with the help of the grace of God.

1) Ib. 116.

2) Gerald Vann, “Holiness and Humanness”, in *Moral Dilemmas* (London: The Catholic Book Club, 1965), 39.

3) Thomas Merton, l. c. 71.

This striving requires as a final virtue the virtue of perseverance. It is not hard to make a good start. But it is hard to continue, to carry on the work begun, and to persevere in it through many years until the end. The challenges of the monotony of daily routine and drudgery are the fire that tests the gold of a saintly life. "We are not 'converted' only once in our life but many times, and this endless series of large and small 'conversions', inner revolutions, leads finally to our transformation in Christ."⁴⁾

¹⁾ Ib. 158f.

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INDEX

A

- Absolutes in moral theology,
159, 164-6, 168, 264f, 276-8,
322, 323.
- Action follows being, see *Agere
sequitur esse*.
- Acts, human,
nature, 247-9;
impairments, 251-263;
sources of their morality,
263-271.
- Actualism, ethical, 167.
- Aequiprobabilism, 234-9.
- Agapist situationism, 169, 172-4.
- Agere sequitur esse*,
reasoning employed by the early
Church, 40;
meaning of the axiom and
importance for the moral law,
154-9, 161-3.
- Anachronisms in moral doctrine,
134 footnote 1.
- Analytical ethics, 6 footnote 1.
- Anthropocentrism, 80.
- Anthropology, theological, 3
footnote 1;
dialogical existence of man,
66-73;
destiny of man, 87-99;
ontological presuppositions,
138-156;
perfection of man, 354-9.
- Apodictic law, 16, 22.
- Apostles,
moral teaching, 39-45;
style of their teaching, 32f, 41-3.
- Attention, condition of imputability,
248, 249, 255.
- Autonomy, moral, 130-3, 243;
alien to biblical thinking, 13, 17,
63;
impediment of the sense of sin,
287;
in kantian ethics, 82-4, 131.
- Axiological ethics, 85-7.

B

- Baptism, sacrament of conversion,
336-8.
- Barth, Karl, on natural ethics, 139f.
- Bentham, Jeremy, advocate of
utilitarianism, 76.
- Bible, see Holy Scripture.
- Biblicism, ethical, 140.
- Body of Christ, relevance for
Christian morality, 62f, 294.
- Bultmann, Rudolf, advocate of an
ethics of "radical obedience",
169.

C

- Canon law, 111;
see Human Law.
- Capital sins, 306.
- Cardinal virtues, 306, 342f.
- Casuistic law, 16.
- Categorical character of the moral
imperative, 5, 82f, 99-102, 207.
- Categorical imperative, 82-5, 87.
- Categorical option or choice, 282.
- Ceremonial law in relation to moral
law, 27, 38f, 48, 114f.
- Ceremonial precepts, 126.
- Cessation of law, 200-2.
- Charismatic movement, 103.
- Charity, see Love.
- Children as subjects of human law,
191.
- Christ,
faith in him, criterion of the true
spirit, 104, 107;
main concern, 39;
moral teaching, 30-9;
norm and model of the Christian
life, 58-61, 70, 127, 129, 345,
353;
scandal of the world, 317;
style of his teaching, 32-5.
- Christain ethics, definition, 3.

Christologic universalism, 140f.

Church,
 competence in moral questions,
 7, 106, 145-7;
 her authority and man's
 conscience, 244, 245f;
 mediator of holiness, 356.

Circumstances as source of morality,
 265-7.

Civil law, see Human law.

Code of the covenant, 15-7.

Collective guilt, 287, 307f.

Common good, object of the law,
 182.

Community as mediator of moral
 values, 7, 63, 106, 241, 244, 329.

Community spirit, moral motive
 in the NT, 62-4;
 in the OT, 21-3, 15f.

Compensatory reactions, 226f.

Concupiscence, impairment of the
 human act, 255-7.

Conflict of the conscience with
 authorities, 245f.

Conflict of duties, 224f.

Conscience,
 biblical teaching, 209-212;
 concept, 203-9;
 existence, 212-6;
 formation, 216-9;
 obligatory force, 220-231;
 relation to authority, 245f.

Conscientious dissent, 246.

Consent of free will,
 condition of human acts, 249;
 condition of sin, 286, 298-300.

Consequences of the human act as
 criterion of morality, 8, 159f,
 162, 163f, 166f.

Consequentialism, 75, 159f, 163f;
 in the OT, 116.

Contextualism, theological, 169, 172.

Conversion, 99, 103, 325-337;
 conditions, 332-4;
 fundamental demand of Jesus,
 31, 326f;
 nature, 329-332;
 necessity, 325-9.

Cooperation in the sins of others,
 320-4.

Council of the apostles, 47.

Covenant, see Old and New
 covenant.

Covenant of Sinai, foundation of OT
 morality, 14-7, 67.

Creative freedom, 168, 171f.

Creative responsibility, 71f, 92f.

Criticism of Catholic ethics, 138f,
 145f.

Cultic, civil and moral laws
 in the NT, 38f, 48, 126;
 in the OT, 27, 114f.

Custom as source of law, 191, 202;
 as interpreter of law, 191.

D

Damaging of others, 323.

Decalogue, 15f, 34, 117f;
 text, 16.

Deontological approach to ethics,
 159-167.

Desire, efficacious and inefficacious,
 230, 304.

Desire, evil, 304.

Dialectical character of morality,
 14-17, 66-73.

Dictate of conscience, 207.

Dignity of the human person
 as moral criterion, 83 footnote 1;
 respected in the OT, 24.

Discernment
 of spirits, 103-7;
 of values in Christian ethics, 42,
 128-130.

Dispensation
 from human law, 179, 199, 201;
 from natural law, 148-150.

Distinctive character of Christian
 ethics, 124-130.

Divine decrees, 151-3.

Divine law, 110f, 120.

Docility
 sign of prudence, 344;
 to God's will, 71;
 to the Holy Spirit, 102-7, 359.

Dogma and moral teaching, 3, 6, 40f.

Double effect, principle of, 273-281.

Doubtful conscience and norms for
 action, 230f.

Doubtful laws, obligatory character,
 233-9.

Dynamic character
 of moral life, 328, 351, 354, 355f,
 360f;
 of natural law, 147f.

E

- Early Church, moral teaching, 32f, 41-3 (character and style), 43-5 (main content).
- Ecclesiastical law, 111; see Human law.
- Education, moral, 216-9, 256, 261, 343f, 346.
- Egotism, 76.
- Effects, see Indirectly willed effects.
- Emotions, relevance for the discovery of the moral value, 87.
- End of the human act, source of morality, 267-9.
- End, ultimate, see Ultimate end.
- Enjoyment, sinful, 303f.
- Epikeia,
 - in human law, 179, 188, 194f, 197-200, 202;
 - in natural law, 149f, 175.
- Epistemology of ethics, 6 footnote 1.
- Equality of men, to be promoted, 92f.
- Equality of the moral order for all, 23f.
- Error
 - of conscience and moral obligation, 221-3, 242;
 - impairment of human acts, 252, 254f, 258, 309.
- Eschatological point of departure in ethics, 7f, 156.
- Eschatology, influence on ethics of the NT, 54-8.
- Eternal decrees or law, 151-3.
- Eternal life as ultimate end, 96.
- Ethics and religion, relation, 11f.
- Ethics of values, 85-7.
- Eudaemonism,
 - ethical system, 75-9, 82f;
 - in the OT, 25, 89.
- Evil, joy in the good effect of an evil deed, 304.
- Evolution of moral knowledge, 145f, 147f.
- Example,
 - importance for moral education, 60f, 308, 345;
 - misguided conformity with it, 349.
- Excuses from human law, 200f, 259.

- Existential choice, 281-5;
 - and holiness, 355;
 - authentic, fundament of virtue, 339, 341, 345;
 - wrong, cause of mortal sin, 282, 298-300.
- Existential ends, 136-8, 157f.
- Existentialist ethics, 80, 167f, 171f.
- External act as source of morality, 270f.

F

- Faith,
 - animating force of conscience, 211;
 - fundamental attitude in the OT, 19;
 - fundamental demand of Jesus, 31;
 - relevance for moral theology, 3, 132f.
- Fear,
 - impairment of human acts, 257-260;
 - reverential, 258.
- Fear of God, 19f.
- Fellowship of Christ, 59f, 61.
- Finis operantis*, 267-270.
- Finis operis*, 263-5.
- Fletcher, Joseph, proponent of situation ethics, 168-170, 172-4.
- Foods, clean and unclean, 27, 38, 130.
- Foundation of the moral norm, recent discussions, 159-167.
- Freedom, Christian, from the law, 46f.
- Freedom of conscience, 241-6.
- Freedom of will, 4f, 88;
 - presupposition of sin, 291, 313;
 - constituent principle of human acts 248f, 255-263.
- freedom, personal, 108, 251;
 - in cases of doubtful laws, 235-9;
 - relation to the moral law, 168, 171f;
 - value to be promoted, 92, 249.
- Freud, Siegmund, on conscience, 313f, 216.
- Fulfilment of the law, 195-7.
- Fundamental option, see Existential choice.

G

- Gifts of the Holy Spirit, 103.
- Glory of God as ultimate end, 87-94, 98.
- God, existence of, presupposition of moral theology, 5.
- Golden rule, 144.
- Good intention, 269, 271.
- Grace,
 - God's initiative in the sanctification of man, 67, 70, 139f, 346, 356;
 - openness for the gift of, 333f.
- Grave sin, 295-300.
- Guilt, 287f;
 - see Sin.

H

- Habit,
 - formation in the service of virtue, 346f;
 - impairment of human acts, 261f.
- Halakah, 38.
- Happiness as moral motive, 51, 78f, 82, 84, 85f, 97f.
- Hartmann, Nicolai, proponent of ethics of values, 85f.
- Hedonism, 75.
- Hermeneutics, 7.
- Heroic acts as object of the law, 185.
- Historicity
 - of human law, 178f;
 - of natural law, 147f, 155.
- Holiness, see Perfection.
- Holy Scripture,
 - fundament of the identity of Christian ethics, 12, 128-130;
 - general characteristics of biblical morality, 11-64;
 - source of moral theology, 6, 132;
 - see also Revelation.
- Holy Spirit,
 - docility to his guidance, 102-7, 359;
 - life according to the Spirit, vocation of Christians, 40, 61f, 335.
- Human law, 176-202;
 - biblical teaching, 179-181;
 - cessation, 200-2;
 - concept, 111, 176f;

- moral obligation, 186-190;
- necessity, 181f;
- object of the law, 182-6;
- properties, 177-9;
- subjects of the law, 191f.

Humanist personalism, 79, 81.

Hume, critique of natural law, 156-9.

Humility, 343;

- condition of conversion, 332f;
- condition for the guidance of the Holy Spirit, 105.

I

- Ignorance,
 - impairment of human acts, 252-4;
 - reason for excusing from the law, 200, 254.
- Imitation of Christ, 58-61.
- Immutability of natural law, 147f, 155.
- Impossibility, moral or physical,
 - impediment of a just law, 184f;
 - reason for excusing from the law, 200f.
- Imputability
 - impairments, 251-263;
 - of human actions, 248f, 286f.
- Inattention, impairment of the human act, 255.
- Incapacitating laws, 191, 199f.
- Indifference, virtue, 105.
- Indifferent acts, 269f.
- Indirectly willed effects,
 - concept, 250f, 271f;
 - imputability, 272-281.
- Indispensability of natural law, 148-150.
- Individualistic ethics, 72f, 79f, 171.
- Individuality of man, basis of moral obligations, 155, 174f, 208, 349.
- Intention,
 - division, 250;
 - purification, 313;
 - required for the fulfilment of the law, 195;
 - source of morality, 267-9, 270f.
- Intention, fundamental, 281.
- "Interim ethics" of the early Church, 57f.
- Internal acts as object of the law, 185f.

Internal sins, 303f.
 Interpretation of the law, 191, 194.
 Intrinsically evil acts, 264, 276, 323.
 Intuition, relevance for the moral task, 87, 133.
 Invalidating laws, 191, 199f.
 Israel, see Judaism and Old covenant.

J

Jewish law, see Mosaic law.
 Joy in evil deeds, 303f.
 Judaism,
 ethical religion, 11, 13f;
 moral teaching in the OT, 13-28.
 Judges, responsibility for procedural justice, 194.
 Jung, Carl Gustav, on conscience, 214f.
 Jurisdiction of the legislator, 184, 190.
 Justice,
 procedural, 183, 192-5;
 substantive (of human law), 182-6.

K

Kantian ethics, 82-5, 131.
 Kerygma and moral teaching, 41.
 Kingdom of God,
 as moral motive, 52f, 54-8;
 as ultimate end, 90f, 94, 98f;
 fundament of the moral imperative for Christ, 30-2.
 Knowledge, necessary
 for a grave sin, 298-300;
 for ■ human act, 248.

L

Law, see
 Human law;
 Mosaic law;
 Moral law;
 Natural law;
 Positive law;
 Revealed law.
 Law of Christ, 48f, 119, 123f, 135, 139.
 Law (written), value and limits, 71f, 108.
 Lax conscience, 223f.
 Laxism, 234f.

Legalism, 72, 175, 318;
 antilegalism of Paul, 46-9;
 cause of scrupulosity, 225;
 danger of it in the OT, 26-8, 115.
 Legislator, 190f.
 Lesser evil,
 counselling the lesser sin, 324;
 principle of the lesser evil, its moral relevance, 163f, 279.
Lex talionis, 26, 38.
 Liberation from evils, Christian duty, 98f.
 Liturgy,
 enactment of conversion, 366-8;
 enactment of man's response to God, 69f.
 Love (of God and neighbour),
 constitutive element of perfection, 351, 353, 359;
 criterion and measure of love, 44f, 173f, 276f, 341;
 synthesis of the moral imperative in the NT, 35-7, 44f;
 supreme but not only moral norm, 45, 172-4, 342f;
 supreme virtue, 340-2.
 Love of enemies, 26, 35, 45, 122.
 Love of God, 20, 35, 114.
 Love of moral value, basic requirement for virtue, 345f.
 Love, pure morality of, 45, 169, 172-4.
 Lunatics, subjects of natural law, 143.

M

Magisterium of the Church,
 moral authority, 106, 242, 244, 245f, 301f;
 source of moral theology, 6f.
 Majority, importance in matters of morality, 243.
 Man, nature, see Anthropology, theological.
 Marx, critique of religion, 98.
 Material cooperation in sins, 322-4.
 Material sin, 286.
 Maturity, moral, 216-9;
 see Perfection.
 Meaning of human existence, see Ultimate end of man.
 Mental sickness, impairment of the human act, 263f.

Mentally sick, subjects of natural law, 143.
 Merit, see Reward.
 Metaethics, 6 footnote 1.
 Method of moral theology, 6-8.
 Mill, John Stuart, proponent of utilitarianism, 76f.
 Minimalism, legalistic, 175, 318.
 Moral certainty, 220f.
 Moral law, concept, 109-111.
 Moral systems (on the use of probability), 234-9.
 Moral theology,
 definition, 3;
 division, 8f.
 Mortal sin, 295-300.
 Mosaic law,
 attitude of Jesus towards it, 37-9,
 and of the early Church, 46-9;
 limits, 25-28, 224f;
 merits, 23-25, 113f;
 nature, 13-19, 112-4, 119;
 validity for Christians, 38f,
 46-49, 117f.
 Motivation, 269;
 unconscious, 261.
 Motives of Christian ethics, 50-64.
 Mutability
 of human law, 178f;
 of natural law, 147f, 155.
 Mystical Body, see Body of Christ.

N

Natural law, 133-159;
 concept, 135-142;
 existence, 151-9;
 fundament of human law, 181-3,
 187-9, 190, 194;
 in the NT, 121-4;
 in the OT, 115-7;
 properties, 143-150.
 Natural right, 142;
 see Natural law.
 Negatively voluntary, 250f.
 Neurotic propensities, impairment of
 human acts, 261 footnote 1,
 262f.
 New covenant, 18, 29, 68.
 New law, 118-121;
 see also Law of Christ.
 "New morality", see Situation ethics.

Nominalism, 167.
 Norm of morality, objective,
 see The moral law, 108-202.

O

Obedience to God, 102, 103f.
 fundamental duty of man, 19,
 23 (OT), 31f, 34f, 118,
 353f (NT), 360;
 disobedience against God, cause
 of sin, 286, 288f, 290, 292.
 Obedience to human authorities and
 laws, 71f, 179f, 245f;
 in cases of scrupulosity, 228f.
 Obedience to the guardians of the
 faith, 104, 106, 245f.
 Object of the human act, 263-5.
 Obligation of human law,
 nature of the obligation, 186-9;
 requirements for their observance,
 195-7.
 Occasion of sin,
 duty to avoid it, 313;
 legitimate creation of an
 occasion, 320.
 Old covenant,
 foundation of OT morality,
 14-17, 21, 67, 289;
 providential role, 17-19.
 Old law, see Mosaic law.
 Omission, sins of, 305.
 Ontological point of departure in
 ethics, 7f, 156;
 see also *Agere sequitur esse*.
 Opinion, safer, duty to follow it,
 231, 233.

P

Parusia expectation as moral motive,
 56-58.
 Passions,
 dominion over, requirement for
 virtue, 346f;
 impairment of human acts,
 255-7.
 Pathology, impairment of human
 acts, 262f.
 Paul,
 attitude to the law, 46-49;
 moral teaching, 39-49;
 style of his teaching, 32f, 41-43.
 Peace, fundamental moral concern,
 93.

Penal law theory, 187-9.
 Penance,
 fruit of conversion, 334f;
 means against temptation, 312;
 sacramental, 336-8;
 see also Conversion.
 Perfection, 347-361;
 biblical teaching, 350-4;
 deficient ideals, 348-350;
 nature, 338, 354-6;
 universal call, 356-8.
 Perfection, state of, 347, 352.
 Perplexed conscience, 224f.
 Perseverance, virtue, 361.
 "Persona", unauthentic
 superstructure of conscience,
 214, 218.
 Pharisaic conscience, 223.
 Pharisaic scandal, 318f.
 Philosophical ethics, difference to
 moral theology, 3f.
 Philosophical sin, 292f.
 Pluralism, ethical, 4 footnote 1, 11f,
 128f.
 Positive law,
 concept, 111;
 excuse from it to avoid scandal,
 320;
 in the NT, 120, 126;
 in the OT, 27, 114f;
 see also Human law.
 Practice, means for the knowledge
 of moral values, 206, 345.
 Prayer,
 condition and fruit of conversion,
 335, 346;
 instrument of holiness, 359f;
 mistaken practice, 348;
 necessity for the discernment of
 spirits, 104f;
 provision against temptation, 312.
 Precepts, 177.
 Preference rules, 239-241.
 Prejudice, 254f, 258.
 Pressure, social, see Social pressure.
 Presumption,
 criterion for lawful action, 232f;
 in favour of authority, 147, 245.
 Primary principles of natural law,
 143-5.
 Principle of double effect, 273-281.
 Privilege, 201.
 Probabilismo, 234f, 237f.

Probabilism, 234, 236-9.
 Probable laws, obligation, 233-9.
 Progress, temporal, as ultimate end,
 81f, 92-4.
 Promulgation of the law, 177, 192f.
 Prophets,
 heralds of the new covenant, 18,
 67;
 social critics, 22, 100, 325.
 Proportionality, 160.
 Proprium of Christian ethics,
 see Distinctive character.
 Protestant ethics,
 attitude towards natural law, 134;
 objections against Catholic
 natural law, 138-141, 145f.
 Prudence, integral element of virtue,
 344f.
 Psychic disturbances, impairment of
 human acts, 262f.
 Psychotherapy, role in moral
 matters, 227f, 288.
 Punishment as moral motive, 20f,
 50-54, 100-2, 217.
 Punishment, just, 187, 193.

R

Reason, persons without the use of
 reason as subjects of the law, 143,
 191.
 Reflex principles, 231-3.
 Reliability of moral norms, 145f.
 Religion and morality, 11f.
 Reparation for damages caused
 by scandal, 320;
 by sin, 335.
 Repentance, see Conversion.
 Responsibility
 before God, 5, 66-73, 104, 174f;
 for the sins of others, 314-320;
 nature, 66f.
 Responsibility, social, see Social
 responsibility.
 Responsive character of morality,
 14-7, 66-73.
 Retribution, see Reward.
 Retroactivity of laws, 193.
 Revealed law, 110f.
 Revelation, relevance for the moral
 law, 4, 124-130, 132f, 141;
 see also Holy Scripture and
 Magisterium of the Church.

Reward as moral motive, 25, 50-54, 56, 100-2.
 Rightness and wrongness, moral, 209.
 Rigorism, 234f.
 Ritual law, see Cultic laws.
 Robinson, John A. T., proponent of the "new morality", 168f.

S

Sacraments, instruments of conversion and holiness, 336-8.
 Safer opinion, duty to follow it, 231, 233.
 Salvation as moral motive, 94-9.
 Sartre, Jean Paul, exponent of existentialist ethics, 168, 172 footnote 1.
 Scandal, 315-9.
Scandalum pusillorum, 318.
 Scheler, Max, exponent of ethics of values, 85, 212.
Scintilla animae, 204.
 Scrupulous conscience, 225-230.
 Seduction, 314f.
 Self-perfection (self-actualization, self-realization), as ultimate end, 63, 79-82, 340, 353; obligation to, 92, 355; see also Perfection.
 Sermon on the Mount, 29, 39, 358.
 Side effect, see Indirectly willed effects.
 Sin,
 criteria for its gravity, 189, 301-3; divisions, 303-6; material and formal, 286; mortal and venial, 295-300; nature, 286f, 291-300; social dimension, 293f, 307-310; sources, 306-314.
 Sin, social structures, see Social structures of sin.
 Sins, internal, 303f.
 Sins that cry to heaven, 301 footnote 1.
 Sinaitic covenant, 14-17, 67f.
 Situation ethics, 167-176.
 Slavery, 26, 121, 145, 183, 303.
 Social dimension of sin, 293f, 307-310; and conversion, 326, 329.

Social legislation in the OT, 22.
 Social pressure,
 cause of sin, 308f; impairment of human acts, 257f.
 Social responsibility, 21-23 (OT), 62-64 (NT), 93, 335f; modern sensibility for sins against, 287, 293.
 Social structures of sin, 307-310; motive for communal conversion, 326, 329.
 Solidarity,
 fundamental factor of OT ethics, 21f, 25f; fundamental moral concern, 93, 359f; in evil, source of sin, 307-310, and challenge to communal conversion, 326, 329.
 Sonship, divine, as moral motive, 61f.
 Sources of morality, 263, 270.
 State of perfection, 347, 352.
 Subjects
 of human law, 191f; of natural law, 143.
 Success and moral goodness, 271.
 Suffering,
 ethical significance, 78, 94, 100f, 314, 335; liberation from evils as Christian task, 98f.
 Superego, 213f, 217, 288.
 Supernatural virtues, 340.
 Synderesis, 206f.

T

Teleological constituent of the moral order, 136, 156, 159-167.
 Temptation, 310-4.
 Ten commandments, see Decalogue.
 Theological virtues, 306, 342.
 Theology of liberation, 98f.
 Theonomy
 of Christian ethics, 130-3; of NT ethics, 29; of OT ethics, 13f, 17, 23.
 Thomas Aquinas, 134, 149, 176, 197, 203f, 206, 275, 277, 341, 344, 358.
 Time for the fulfilment of a law, 196.

Torah, 14, 26f, 38, 112-7;
 see also Mosaic law.
 Tradition, Christian, source of moral
 theology, 6.
 Tradition, moral, importance, 106,
 116, 241.
 Traditions of the elders, 27, 38.
 Tutorism, 234.

U

Ultimate end of man,
 deficient theories, 75-87;
 disregard for it, essence of sin,
 286, 292, 294, 299, 302;
 importance for human law, 182f;
 importance for the moral law,
 137f, 151-3, 155f, 158, 161,
 163f, 239, 268f;
 importance for the practice of
 virtue, 341, and holiness, 355;
 nature, 24f, 73f, 87-99, 129;
 unity of the end for all mankind,
 4, 141, 142.
 Unconscious motivation,
 impairment of human acts, 261
 footnote 1.
 Universality of natural law, 143-7.
 Unjust laws, obligation, 181, 186.

Utilitarianism, 75-79, 82f, 160f,
 239.

V, W

Value,
 knowledge and love of it as
 requirement for virtue, 344f,
 345;
 responsibility before the ultimate
 value, 5.
 Venial sin, 295-300.
 Violence, impairment of human acts,
 260f.
 Virginity, 43.
 Virtually voluntary, 249f.
 Virtues, 338-347;
 cardinal 306, 342f;
 supernatural, 339f;
 theological, 306, 342.
 Vocation,
 personal, 65, 205, 349f, 358f,
 frustrated in sin, 295;
 ultimate, one only, 4, 141.
 Volition, inefficient desire, 270.
Voluntarium,
 concept and divisions, 249-251;
indirectum, imputability,
 271-281.
 Wisdom, cause of the primeval order
 of the world, 115f, 152.



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About this book: This new presentation of moral theology "will help both teacher and student to winnow out some of the confusion which has followed the gradual disappearance of the manualist or textbook treatment of former times. The author rightly appreciates the necessity of keeping in touch with the sources of Christian revelation... His conclusions are modestly shrewd and undeviatingly just" (*The Universe*).

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